

AGENDA

STATE BUILDING CODE TECHNICAL REVIEW BOARD

Friday, November 15, 2019 - 10:00am

Virginia Housing Center  
4224 Cox Road Glen Allen, Virginia

- I. Roll Call **(TAB 1)**
- II. Approval of September 20, 2019 Minutes **(TAB 2)**
- III. Approval of October 18, 2019 Retreat Minutes **(TAB 3)**
- IV. Approval of Final Order **(TAB 4)**  
In Re: Appeal of Karen Lindsey  
Appeal No 19-02
- V. Approval of Final Order **(TAB 5)**  
In Re: Appeal of Oscar and Olga Marroquin  
Appeal No 19-04
- VI. Public Comment
- VII. Preliminary Hearing **(TAB 6)**  
In Re: Janett Fisher Pakravan  
Appeal No 19-03
- VIII. Interpretation **(TAB 7)**  
In Re: Water Dispenser substitution
- IX. Interpretation **(TAB 8)**  
In Re: Cellular Tower Permitting
- X. Secretary's Report
  - a. 2020 Calendar for meeting dates **(TAB 9)**
  - b. January 2020 meeting update

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STATE BUILDING CODE TECHNICAL REVIEW BOARD

**James R. Dawson, Chairman**  
(Virginia Fire Chiefs Association)

**W. Shaun Pharr, Esq., Vice-Chairman**  
(The Apartment and Office Building Association of Metropolitan Washington)

**Vince Butler**  
(Virginia Home Builders Association)

**J. Daniel Crigler**  
(Virginia Association of Plumbing-Heating-Cooling Contractors and the Virginia Chapters of the Air Conditioning Contractors of America)

**Alan D. Givens**  
(Virginia Association of Plumbing-Heating-Cooling Contractors and the Virginia Chapters of the Air Conditioning Contractors of America)

**Christina Jackson**  
(Commonwealth at large)

**Joseph A. Kessler, III**  
(Associated General Contractors)

**Eric Mays**  
(Virginia Building and Code Officials Association)

**Joanne D. Monday**  
(Virginia Building Owners and Managers Association)

**Patricia S. O'Bannon**  
(Commonwealth at large)

**J. Kenneth Payne, Jr., AIA, LEED AP BD+C**  
(American Institute of Architects Virginia)

**Richard C. Witt**  
(Virginia Building and Code Officials Association)

**Aaron Zdinak, PE**  
(Virginia Society of Professional Engineers)

**Vacant**  
(Electrical Contractor)

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**STATE BUILDING CODE TECHNICAL REVIEW BOARD  
MEETING MINUTES  
September 20, 2019  
Henrico, Virginia**

Members Present

Mr. W. Shaun Pharr, Esq., Vice-Chairman  
Ms. Christina Jackson  
Mr. Joseph Kessler  
Mr. Eric Mays, PE  
Ms. Joanne Monday  
Mr. J. Kenneth Payne, Jr.  
Mr. Richard C. Witt  
Mr. Aaron Zdinak, PE

Members Absent

Mr. James R. Dawson, Chairman  
Mr. Daniel Crigler  
Mr. Vince Butler  
Mr. Alan D. Givens  
Ms. Patricia S. O'Bannon

Call to Order                      The meeting of the State Building Code Technical Review Board (“Review Board”) was called to order at approximately 10:00 a.m. by Secretary Travis Luter.

Roll Call                              The roll was called by Mr. Luter and a quorum was present. Mr. Justin I. Bell, legal counsel for the Board from the Attorney General’s Office, was also present.

Approval of Minutes              The draft minutes of the July 19, 2019 meeting in the Review Board members’ agenda package were considered. Ms. Monday moved to approve the minutes with the correction of the word “forward” to “forwarded” in the fourth paragraph of page 13 of the agenda package. The motion was seconded by Mr. Witt and passed unanimously.

Final Orders                        Appeal of Jack D. Singleton  
Appeal No. 19-01:  
  
After review and consideration of the final order presented in the Review Board members’ agenda package, Mr. Mays moved to approve the final order as presented. The motion was seconded by Mr. Payne and passed with Ms. Jackson abstaining.

Public Comment                      Vice-Chairman Pharr opened the meeting for public comment. Mr. Luter advised that no one had signed up to speak. With no one coming forward, Vice-Chairman Pharr closed the public comment period.

New Business                        Appeal of Karen Lindsey; Appeal No. 19-02:  
  
A hearing convened with Vice-Chairman Pharr serving as the presiding officer. The appeal involved citations under the 2012 Virginia Maintenance Code related to the property owned by Karen Lindsey located at 2445 Strawberry Lane, in the City of Chesapeake.

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The following persons were sworn in and given an opportunity to present testimony:

Karen Lindsey, Owner (arrived 30 minutes into the hearing)  
Alexis Lindsey (arrived 30 minutes into the hearing)  
Pepper Wilson (arrived 30 minutes into the hearing)  
John T. King, III, City of Chesapeake Building Official

Also present was:

Meredith Jacobi, Esq., legal counsel for the City of Chesapeake

After testimony concluded, Vice-Chairman Pharr closed the hearing and stated a decision from the Review Board members would be forthcoming and the deliberations would be conducted in open session. It was further noted that a final order reflecting the decision would be considered at a subsequent meeting and, when approved, would be distributed to the parties and would contain a statement of further right of appeal.

Decision: Karen Lindsey; Appeal No. 19-02:

After deliberations, Mr. Mays moved that the appeal was timely because the relief sought was in the original appeal. The motion was seconded by Mr. Payne and passed with Mr. Witt and Ms. Jackson voting in opposition.

After finding the appeal to be timely, the Review Board members opted to hear the merits of the appeal since the parties were already there and time permitted.

After further deliberations, Mr. Mays moved to uphold the decision of the building official and local appeals board with the following amendments to the timeframes which begin upon the adoption of the final order:

- *90 days to submit the engineer's report and repair plans*
- *After the initial 90-day period, then 120 days to obtain the permit and plan approval*
- *After that 120-day period; then 270 days to obtain the certificate of occupancy*

The motion was seconded by Ms. Jackson and passed with Mr. Witt and Ms. Jackson voting in opposition.

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Appeal of Oscar and Olga Marroquin; Appeal No. 19-04:

A hearing convened with Vice-Chairman Pharr serving as the presiding officer. The appeal involved citations under the 2012 Virginia Building Code related to the property owned by Oscar and Olga Marroquin located at 105 Reedville Court, in Frederick County.

The following persons were sworn in and given an opportunity to present testimony:

Oscar Marroquin, Owner  
Olga Marroquin, Owner  
Mark Fleet, Frederick County Building Official  
Kirby Place, Frederick County Building Inspector

Also present was:

Erin Swisshelm, Esq., legal counsel for Frederick County

After testimony concluded, Vice-Chairman Pharr closed the hearing and stated a decision from the Review Board members would be forthcoming and the deliberations would be conducted in open session. It was further noted that a final order reflecting the decision would be considered at a subsequent meeting and, when approved, would be distributed to the parties and would contain a statement of further right of appeal.

Decision: Oscar and Olga Marroquin; Appeal No. 19-04:

After deliberations, Mr. Witt moved to uphold the building official and local appeals board decision in accepting the sealed engineer's report for air balance and that the NOV was satisfied and no violation remains. The motion was seconded by Mr. Mays and passed with Ms. Monday voting in opposition.

Secretary's Report

Mr. Luter reminded the Board about the Retreat 2.0 scheduled for October 18, 2019.

Mr. Luter informed the Board of the caseloads for the upcoming meetings scheduled for November 15, 2019 and January 2020.

Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 4:00 p.m.

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Approved: November 15, 2019

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Chairman, State Building Code Technical Review Board

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Secretary, State Building Code Technical Review Board

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**STATE BUILDING CODE TECHNICAL REVIEW BOARD  
RETREAT MINUTES  
October 18, 2019  
Glen Allen, Virginia**

Members Present

Mr. W. Shaun Pharr, Esq., Vice-Chairman  
Mr. Vince Butler  
Mr. Daniel Crigler  
Mr. Joseph Kessler  
Mr. Eric Mays, PE  
Ms. Joanne Monday  
Mr. J. Kenneth Payne, Jr.  
Mr. Richard C. Witt  
Mr. Aaron Zdinak, PE

Members Absent

Mr. James R. Dawson, Chairman  
Mr. Alan D. Givens  
Ms. Christina Jackson  
Ms. Patricia S. O'Bannon

Call to Order

The retreat of the State Building Code Technical Review Board (“Review Board”) was called to order at approximately 10:00 a.m. by Vice-Chairman Pharr.

Roll Call

The roll was called by Mr. Luter and a quorum was present. Mr. Justin I. Bell, legal counsel for the Board from the Attorney General’s Office, was also present. Jeff Brown, Director of the State Building Codes Office and Richard Potts Code Development and Technical Support Administrator were also present.

Review Board Policies and Manual Discussion

The Review Board adopted a Review Board Policy Manual which consists of the following twenty-three (23) policies.

Policy #1: After review and consideration of Review Board Policy #1 presented in the Review Board Policy Manual, Mr. Mays moved to approve Review Board Policy #1 as presented. The motion was seconded by Mr. Witt and passed unanimously.

Policy #2: After review and consideration of Review Board Policy #2 presented in the Review Board Policy Manual, Mr. Mays moved to approve Review Board Policy #2 as presented. The motion was seconded by Mr. Zdinak and passed unanimously.

Policy #3: After review and consideration of Review Board Policy #3 presented in the Review Board Policy Manual, Mr. Mays moved to approve Review Board Policy #3 as amended. The motion was seconded by Mr. Crigler and passed unanimously.

Policy #4: After review and consideration of Review Board Policy #4 presented in the Review Board Policy Manual, Mr. Witt moved to

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approve Review Board Policy #4 as presented. The motion was seconded by Mr. Zdinak and passed unanimously.

- The Review Board directed the Secretary to look for alternate approaches to requesting an interpretation.

Policy #5: After review and consideration of Review Board Policy #5 presented in the Review Board Policy Manual, Mr. Witt moved to approve Review Board Policy #5 as amended. The motion was seconded by Mr. Zdinak and passed unanimously.

Policy #6: After review and consideration of Review Board Policy #6 presented in the Review Board Policy Manual, Mr. Witt moved to approve Review Board Policy #6 as amended. The motion was seconded by Mr. Butler and passed unanimously.

Policy #7: After review and consideration of Review Board Policy #7 presented in the Review Board Policy Manual, Mr. Mays moved to approve Review Board Policy #7 as presented. The motion was seconded by Mr. Witt and passed unanimously.

Policy #8: After review and consideration of Review Board Policy #8 presented in the Review Board Policy Manual, Mr. Mays moved to approve Review Board Policy #8 as amended. The motion was seconded by Mr. Witt and passed unanimously.

Policy #9: After review and consideration of Review Board Policy #9 presented in the Review Board Policy Manual, Mr. Witt moved to approve Review Board Policy #9 as amended. The motion was seconded by Mr. Mays and passed unanimously.

Policy #10: After review and consideration of Review Board Policy #10 presented in the Review Board Policy Manual, Mr. Mays moved to approve Review Board Policy #10 as amended. The motion was seconded by Mr. Zdinak and passed unanimously.

Policy #11: After review and consideration of Review Board Policy #11 presented in the Review Board Policy Manual, Mr. Mays moved to approve Review Board Policy #11 as presented. The motion was seconded by Mr. Witt and passed unanimously.

Policy #12: After review and consideration of Review Board Policy #12 presented in the Review Board Policy Manual, Mr. Mays moved to approve Review Board Policy #12 as presented. The motion was seconded by Mr. Crigler and passed unanimously.

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Policy #13R: After review and consideration of Review Board Policy #13R presented in the Review Board Policy Manual, Mr. Witt moved to approve Review Board Policy #13R as amended and further moved to re-title Policy 13R to Policy 13. The motion was seconded by Mr. Zdinak and passed unanimously.

Policy #14: After review and consideration of Review Board Policy #14 presented in the Review Board Policy Manual, Mr. Witt moved to approve Review Board Policy #14 as presented. The motion was seconded by Mr. Zdinak and passed unanimously.

- The Review Board directed the Secretary to ensure all photograph submittals include the date the photograph was taken as well as who took the photograph.

Policy #15: After review and consideration of Review Board Policy #15 presented in the Review Board Policy Manual, Mr. Mays moved to approve Review Board Policy #15 as presented. The motion was seconded by Mr. Witt and passed unanimously.

Policy #16: After review and consideration of Review Board Policy #16 presented in the Review Board Policy Manual, Mr. Mays moved to approve Review Board Policy #16 as amended. The motion was seconded by Mr. Zdinak and passed unanimously.

Policy #17: After review and consideration of Review Board Policy #17 presented in the Review Board Policy Manual, Mr. Mays moved to approve Review Board Policy #17 as amended. The motion was seconded by Mr. Witt and passed unanimously.

Policy #18: After review and consideration of Review Board Policy #18 presented in the Review Board Policy Manual, Mr. Witt moved to approve Review Board Policy #18 as amended. The motion was seconded by Mr. Mays and passed unanimously.

Policy #19: After review and consideration of Review Board Policy #19 presented in the Review Board Policy Manual, Mr. Butler moved to approve Review Board Policy #19 as amended. The motion was seconded by Mr. Witt and passed unanimously.

Policy #20: After review and consideration of Review Board Policy #20 presented in the Review Board Policy Manual, Mr. Pharr moved to approve Review Board Policy #20 as amended. The motion was seconded by Mr. Payne and passed unanimously.

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Policy #21: After review and consideration of Review Board Policy #21 presented in the Review Board Policy Manual, Mr. Pharr moved to approve Review Board Policy #21 as amended. The motion was seconded by Mr. Payne and passed unanimously.

Policy #22: After review and consideration of Review Board Policy #22 presented in the Review Board Policy Manual, Mr. Mays moved to approve Review Board Policy #1 as amended. The motion was seconded by Mr. Crigler and passed unanimously.

Policy #23: After review and consideration of Review Board Policy #23 presented in the Review Board Policy Manual, Mr. Witt moved to approve Review Board Policy #23 as amended. The motion was seconded by Ms. Monday and passed unanimously.

Potential Policy #24: An extensive discussion took place about a potential policy related to the ability for an individual to file an appeal after abating a violation when the individual is still aggrieved.

Public Comment

Vice-Chairman Pharr opened the meeting for public comment. Mr. Luter advised that no one had signed up to speak. With no one coming forward, Vice-Chairman Pharr closed the public comment period.

Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 3:30 p.m.

Approved: November 15, 2019

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Chairman, State Building Code Technical Review Board

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Secretary, State Building Code Technical Review Board

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1 VIRGINIA:

2  
3 BEFORE THE  
4 STATE BUILDING CODE TECHNICAL REVIEW BOARD  
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6 IN RE: Appeal of Karen Lindsey  
7 Appeal No. 19-02  
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9 DECISION OF THE REVIEW BOARD  
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11 Procedural Background  
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13 The State Building Code Technical Review Board (Review Board) is a Governor-  
14 appointed board established to rule on disputes arising from application of regulations of the  
15 Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of  
16 Virginia. The Review Board’s proceedings are governed by the Virginia Administrative Process  
17 Act (§ 2.2-4000 et seq. of the Code of Virginia).  
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18 Case History

19 On January 25, 2018, the home owned by William and Marjorie Lindsey, located at 2445  
20 Strawberry Lane in the City of Chesapeake, caught fire. Karen Lindsey (Lindsey), daughter to the  
21 deceased owners and current resident of the property along with her two children, were displaced  
22 due to the extensive damage to the home. In February of 2018 Lindsey was certified as the  
23 Executor of the estate for the property.

24 On January 29, 2018, the City, in enforcement of the 2012 Virginia Property Maintenance  
25 (VMC), performed an inspection of the property. In early March of 2018 copies of the Notice of  
26 Unsafe Structure (Demolition), Demolition Authorization Form, City of Chesapeake Board of  
27 Building Code Appeals (local appeals board) application, Notice of Violation (NOV), Public  
28 Notice, and Building Inspection Report for Unsafe Structure dated March 7, 2018 were stapled to  
29 the garage of the structure. Lindsey removed them from the structure and contacted the City for

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30 clarification of the documents. On March 29, 2018, Lindsey received copies of the above  
31 referenced documents along with an amended Building Inspection Report for Unsafe Structure  
32 dated March 26, 2018 via USPS certified mail. The same documents were posted on the structure  
33 by the City Sheriff's Department on March 30, 2018. Lindsey, appealed the enforcement action  
34 by the City of Chesapeake, Development and Permits Department (City) under Part III of the  
35 Uniform Statewide Building Code (Virginia Maintenance Code).

36 The local appeals board heard Lindsey's appeal on May 16, 2018 and ruled to uphold the  
37 decision of the City. In addition to upholding the decision of the City, the local appeals board gave  
38 Lindsey 30 days from the date of the hearing to obtain an engineer's report and contractor's  
39 agreement; 60 days to acquire the needed permits and 180 days to complete all repairs, request the  
40 required inspections and obtain a new Certificate of Occupancy (CO); and 270 days to obtain the  
41 new CO or have the property demolished. The local appeals board further stated that if the  
42 deadlines provided were not adhered to the City would demolish the structure without further  
43 notice. Lindsey agreed with the cited violations; however, she found the timeline unattainable and  
44 asked for an extension of the timeframes provided by the local appeals board; therefore, Lindsey  
45 further appealed to the Review Board.

46 A Review Board hearing was held on February 15, 2019. The Review Board did not agree  
47 with the City that the local appeals board resolution was adequate. The Review Board found the  
48 local appeals board resolution did not provide the required language in accordance with the VMC  
49 Section 106.7 which reads:

50 *"Any person who was a party to the appeal may appeal to the State Review Board by*  
51 *submitting an application to such Board within 21 calendar days upon receipt by certified*

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75           Neither the City, nor Lindsey, objected to the timeliness of the appeal. The Review Board  
76 finds the appeal to be timely because the relief sought was in the original appeal.

77           B. Whether to overturn the decision of the City and the local appeals board that in  
78           accordance with VMC Section 105 (Unsafe structures or structures unfit of human  
79           occupancy) the structure is unsafe.

80  
81           Lindsey argued that the process the City followed was unfair to her family who was  
82 displaced from their home by a fire. Lindsey further argued that the timeline provided by the  
83 City was unattainable and requested additional time to comply as she wanted to rebuild her  
84 home.

85           The City argued that Lindsey had ample time, 20 months since the structure burned, to  
86 begin working on the structure; however, there had been no indication that there had been any  
87 progress to make any repairs to the structure. The City further argued that, no plans, engineer's  
88 report, or contractor's statement had been submitted and no permits had been applied for or  
89 issued. The City also argued that the structure remained unsafe, open to the elements, and  
90 continues to deteriorate. The City also argued that it continues to receive complaints from the  
91 neighbors related to the unsafe structure which is an attractive nuisance, fire hazard, and has a  
92 negative affect the surrounding property values.

93           Lindsey argued that she had not moved forward with the process of making repairs due  
94 her fear that the City would demolish her home, even if she had begun the process of rebuilding,  
95 without further notice. Lindsey also expressed disbelief in the claims by the City that complaints  
96 are being filed by the neighbors related to the structure.

97           The Review Board agrees with the City that a violation of VMC Section 105 exists;  
98 however, finds that additional time is needed for Lindsey to comply; therefore, the Review Board

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99 provides the following amendments to the timeframes to begin after the adoption of the Review

100 Board final order:

- 101 • 90 days to submit the engineer’s report and repair plans
- 102 • After the initial 90-day period to submit the engineer’s report and repair plans, then
- 103 an additional 120 days to obtain the permit and plan approval
- 104 • After that 120-day period to obtain the permit and plan approval; then an additional
- 105 270 days to obtain the certificate of occupancy

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Final Order

108 The appeal having been given due regard, and for the reasons set out herein, the Review

109 Board orders as follows:

110 A. Whether the appeal was timely to the Review Board.

111 The decision of the local appeals board and the City is upheld and the appeal is timely.

112 B. Whether to overturn the decision of the City and the local appeals board that in  
113 accordance with VMC Section 105 (Unsafe structures or structures unfit of human  
114 occupancy) the structure is unsafe.

115  
116 The decision of the local appeals board and the City that a violation of Section 105 is upheld  
117 with the amendments to the timeframes set forth in this order from the adoption of the Review

118 Board final order.

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Chairman, State Building Code Technical Review Board

Date entered: \_\_\_\_\_November 15, 2019\_\_\_\_\_

**Certification**

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with W. Travis Luter, Sr., Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

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1 VIRGINIA:  
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3 BEFORE THE  
4 STATE BUILDING CODE TECHNICAL REVIEW BOARD  
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6 IN RE: Appeal of Oscar and Olga Marroquin  
7 Appeal No. 19-04  
8

9 DECISION OF THE REVIEW BOARD  
10

11 Procedural Background  
12

13 The State Building Code Technical Review Board (Review Board) is a Governor-  
14 appointed board established to rule on disputes arising from application of regulations of the  
15 Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of  
16 Virginia. The Review Board’s proceedings are governed by the Virginia Administrative Process  
17 Act (§ 2.2-4000 et seq. of the Code of Virginia).  
18

19 Case History

20 Oscar and Olga Marroquin (Marroquin), owners of the property located at 105 Reedville  
21 Court in the Town of Stephens City, which is located in Frederick County, appealed the  
22 enforcement action by the Frederick County, Office of the Building Official (County) under Part  
23 I of the 2012 Uniform Statewide Building Code (Virginia Construction Code or VCC).

24 On October 27, 2017 Marroquin was issued a certificate of occupancy for the property.  
25 Marroquin filed a complaint on February 12, 2018, related to the heating, ventilation, and air  
26 conditioning system (HVAC), and an inspection of the property was performed by the County.  
27 On February 13, 2018, the County, in enforcement of the Virginia Construction Code, issued a  
28 Corrective Order for the property citing three violations: (1) Furnace installed 88,000 BTU input  
29 – Design load requires 110,000 BTU input; (2) Draft hood of the water heater needs to be secured;  
(3) Vent connector needs 1” clearance from combustibles.

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30 On February 27, 2018 an air flow balance test was performed by Southern Maryland  
31 Heating and Air Inc.

32 On July 10, 2018, the County, in enforcement of the Virginia Construction Code, issued a  
33 notice of violation (NOV) to Dan Ryan Builders for the property. The notice outlined nine (9)  
34 violations of the Virginia Construction Code and contained a statement of right of appeal.

35 On March 15, 2019 a second air flow balance test was performed. The HVAC Parameters  
36 report was dated March 28, 2019 and was stamped/sealed by professional engineer William Wiles.  
37 On April 3, 2019, after reviewing the report, the County accepted the report and considered the  
38 NOV satisfied. On May 6, 2019, a third air flow balance test was performed by Annadale  
39 Balancing Company Inc., a contractor hired by Marroquin, which, according to Marroquin, failed.

40 Marroquin filed an appeal to the local appeals board which was heard on May 28, 2019,  
41 where the local appeals board denied the appeal. Marroquin subsequently filed an application for  
42 appeal to the Review Board in June of 2019.

#### 43 Findings of the Review Board

44 A. Whether to overturn the decision of the County and the local appeals board to accept the  
45 stamped/sealed HVAC Parameters report and that a violation of VCC Section M1401.3  
46 does not exist.

47 Marroquin argued that the air flow of the HVAC system was not adequate due to  
48 insufficient sizing of the duct and lack of volume dampers, in each duct, to properly balance the  
49 HVAC system. Marroquin further argued that multiple manual J documents were filed with the  
50 County with conflicting information. Marroquin also argued that the County should not have  
51 accepted the HVAC Parameters report dated March 28, 2019 which was stamped/sealed by  
52 professional engineer William Wiles because the previous air flow test failed.

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Chairman, State Building Code Technical Review Board

Date entered: \_\_\_\_\_November 15, 2019\_\_\_\_\_

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with W. Travis Luter, Sr., Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

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VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Janett Fisher Pakravan  
Appeal No. 19-03

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VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD (REVIEW BOARD)

IN RE: Appeal of Janett Fisher Pakravan  
Appeal No. 19-03

REVIEW BOARD STAFF DOCUMENT  
**(For Preliminary Hearing as to Jurisdiction)**

Suggested Summary of the Appeal

1. Janett Fisher Pakravan (Pakravan), occupant of the property located at 309 Cedarwood Court 102, appeals enforcement action by the City of Virginia Beach, Department of Housing and Neighborhood Preservation, (Virginia Beach) under the HUD Housing Quality Standards and Part III of the Uniform Statewide Building Code (Virginia Maintenance Code or VMC).

2. On January 25, 2019, Virginia Beach, conducted an inspection of the above referenced property. On January 28, 2019, in enforcement of the HUD Housing Quality Standards and the Virginia Maintenance Code, Virginia Beach issued a Notice of Violation (NOV) to Ms. Pakravan. The NOV cited three violations of the Virginia Maintenance Code for Sections 605.1 Electrical components, 305.1 General, and 702.1 General; the NOV did not contain a statement of right of appeal.

3. Ms. Pakravan filed an appeal to the City of Virginia Beach Local Board of Appeals (local appeals board) on February 14, 2019.

4. In a letter dated March 8, 2019, Virginia Beach informed Ms. Pakravan that the city would not pursue enforcement under the VMC. Virginia Beach confirmed the cited violation remained fully enforceable under the HUD Housing Quality Standards. Virginia Beach further

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informed Ms. Pakravan she could not appeal the cited violation under HUD's Housing Quality Standards to the local appeals board.

5. On June 27, 2019, Ms. Pakravan filed an application for appeal to the Review Board.

6. On July 9, 2019, after review of Ms. Pakravan's application for appeal, Review Board staff contacted Virginia Beach to discuss Ms. Pakravan's appeal.

7. On July 11, 2019, Virginia Beach scheduled a local appeals board hearing.

8. The local appeals board conducted a hearing on August 5, 2019 and denied the appeal due to the lack of jurisdiction because the cited violations had been rescinded.

9. On August 12, 2019, Review Board staff received a copy of the local appeals board decision and began to process Ms. Pakravan's application for appeal to the Review Board.

12. This staff document along with a copy of all documents submitted will be sent to the parties and opportunity given for the submittal of additions, corrections or objections to the staff document, and the submittal of additional documents or written arguments to be included in the information distributed to the Review Board members for the appeal hearing before the Review Board.

#### Suggested Issue for Resolution by the Review Board

1. Whether or not to dismiss the appeal as not properly before the Board since the County rescinded the notice of violation, based on previous rulings of the Review Board which hold that no right of appeal exists where a NOV has been resolved.<sup>1</sup>

<sup>1</sup> See Review Board Case No. 14-11, 03-3 and 17-9. See also Review Board Case Nos. 98-8, 98-16, 00-2, 00-14, 11-9&10, and 16-6.

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# Basic Documents

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# City of Virginia Beach

DEPARTMENT OF HOUSING AND  
NEIGHBORHOOD PRESERVATION  
(757) 385-5750  
FAX (757) 385-5766  
TDD (757) 385-5794  
CODE ENFORCEMENT DIVISION  
(757) 385-4421  
FAX (757) 385-5694

VBgov.com  
MUNICIPAL CENTER  
BUILDING 16A  
2424 COURTHOUSE DRIVE  
VIRGINIA BEACH, VIRGINIA 23456-8083  
vb.gov/dept/housing

January 28, 2019

Janett F. Pakravan  
309 Cedarwood Court 102  
Virginia Beach, VA 23454

## NOTICE OF UNIT INSPECTION FAILURE - TENANT COPY

Dear Janett F. Pakravan:

On January 25, 2019, this department conducted an inspection of the unit located at 309 Cedarwood Court 102 in Virginia Beach, occupied by Janett F. Pakravan. We have determined that the following corrective action(s) are required to bring this unit in compliance with HUD Housing Quality and VMC standards:

1. Living Room - 605.1 ELECTRICAL COMPONENTS, need access to all outlets, correct within within 21 days-RE-INSPECT-02/15/2019
2. Kitchen - 305.1 INTERIOR GENERAL, interior very cluttered, correct within 21 days-RE/INSPECT 02/15/2019
3. General Health and Safety - 702.1 MEANS OF EGRESS, GENERAL, Windows are completely blocked creating a problem with ingress and egress, CORRECTED WITHIN SEVEN DAYS-RE-INSPECT 02/01-2019].

A unit re-inspection has been scheduled for February 15, 2019 between the hours of 8:00am and 2:00pm. The tenant, someone 18 years of age or older, or you must be present for the inspection.

Scheduled Abatement Date: March 1, 2019

The City will abate housing assistance payments (HAP) to the owner when unit violations are not corrected by the unit re-inspection date, or by the end of any granted extension, whichever is later. The City will not reimburse the owner for abated housing assistance. Your tenant is not responsible for abated HAP. Owners are prohibited by contract from attempting to collect housing assistance payment from the tenant.

**All requests for extensions MUST be in writing. Submit your request for an extension to Shawnti Todd at [HCVInspections@vbgov.com](mailto:HCVInspections@vbgov.com).**

In cases where violations are not corrected by the re-inspection date or by the granted extension period, the City may terminate the HAP contract with you. Repeated failure to correct unit violations may result in the City refusing the owner's participation in the program.

If you have questions about this inspection please contact this office at 757-385-5732.

Sincerely,  
Rental Housing

309 Cedarwood Court #102  
Virginia Beach, Va 23454 309

Building Code Board of Appeals  
c/o Dept Of Housing and Neighborhood Preservation  
2424 Courthouse Drive  
Municipal Center Bldg 18A  
Virginia Beach, Va 23456

FAX 757-385-5669  
February 14, 2019

RE: Appeal of Alleged Housing Code Violations

I, Janett F. Pakravan, am requesting an Appeal of the January 25, 2019 findings of Mr. R.L. Etheridge, Housing Code Inspector of alleged housing code violations as I disagree with his findings in their entirety.

Date of (DHNP)'s HUD inspection	Friday January 25, 2019, (copy enclosed)
Name of HUD inspector:	Mr. R L. Etheridge
Name of person requesting an appeal:	Janett F. Pakravan
Address of HCV participant:	309 Cedarwood Court, # 102, Virginia Beach, Virginia Beach, Virginia 23454
Name and address of structure:	309 Cedarwood Court, # 102, Virginia Beach, Virginia Beach, Virginia 23454
Name of Property:	Lynnhaven Landing Apartments
Address of Property:	352 Fernwood Court #101 VA Beach, VA 23454
Owner of Lynnhaven Landing:	Community Housing Partners Corporation
Address of Owner	448 N.E. Depot Street Christiansburg, Va 24073

Thank you

Janett F. Pakravan



# City of Virginia Beach

VBgov.com

DEPARTMENT OF HOUSING AND  
NEIGHBORHOOD PRESERVATION  
MAIN: (757) 385-5750  
FAX: (757) 385-5766  
TDD: (757) 385-5794

MUNICIPAL CENTER  
2424 COURTHOUSE DRIVE  
BUILDING 18A  
VIRGINIA BEACH, VA 23456-9083  
[VBGOV.COM/DEPT/HOUSING](http://VBGOV.COM/DEPT/HOUSING)

March 8, 2019

Ms. Janet Pakravan  
309 Cedarwood Court  
Apt 102  
Virginia Beach, VA 23454

Dear Ms. Pakravan,

I'm writing to you in an effort to address what I believe is a misunderstanding and to ensure that you understand our unit inspections process and your responsibilities as a program participant.

As a participant in the Housing Choice Voucher Program (HCV), your unit is subject to an annual unit inspection. We conduct an inspection to ensure that each subsidized unit meets specific housing quality standards. When conducting an inspection we operate under a process where both the Housing Quality Standard (HQS) requirements and the Virginia Maintenance Code (VMC) regulations are recognized.

Your unit was inspected in 2017 and was subsequently placed on a "biennial inspection schedule". Under that policy, we did not schedule an inspection during the 2018 year. In accordance with our biennial inspection schedule policy, your unit is due for an inspection this year (2019). Several areas were cited as failing to meet HQS requirements and VMC guidelines, during the January 25, 2019 annual unit inspection. The deficiencies listed below caused the unit to fail the required annual Housing Quality Standards (HQS) inspection and must be corrected to be in compliance with the requirements of HUD policy:

#### **Living Room and Other Rooms; Bathrooms; General Health and Safety:**

1. Large furniture blocking access to electrical outlets and windows. The inspector was unable to check/test the following:
  - a. Electrical outlets for safety hazards, required number of outlets and proper functionality. Tape has been installed over electrical equipment which could cause a fire.
  - b. Windows throughout the unit for: 1) hazards – ensuring windows stay up and in place with existing hardware, 2) security – ensuring windows lock properly, and 3) overall condition – windows are weather tight and functioning properly. In case of an emergency, these ground floor windows could be needed fire exits or used for fire rescue purposes.
2. Unable to inspect bathroom for required fixtures, plumbing leaks and overall condition.
3. Excessive clutter and storage of items inside the unit and hallway area. A clear, unobstructed mean of egress to the exterior of the building is required in case of an emergency.

You have requested an appeal of the citations under the VMC guidelines. We reviewed your case and determined that we will not pursue enforcement under the Virginia Maintenance Code. These violations however, remain fully enforceable under HQS guidelines. Consequently, you may not appeal the citations under HUD's HQS guidelines 24CFR 982.555(b)(6).

Your unit will be scheduled for a re-inspection and is subject to the abatement of housing assistance, and should you fail to remedy the identified citations within the specified timeframe, you are subject to further action including termination from the housing choice voucher program. I ask for your cooperation to bring your unit back into compliance with HQS standards so that we may close out this issue quickly (24CFR982.551 (4)(c)(d)).

Regards,



Marcus Williamson  
Housing Programs Administrator

cc: Andrew Friedman/Director  
Wells Freed/Code Enforcement Administrator  
Lynnhaven Landing Apartments



# City of Virginia Beach

[VBgov.com](http://VBgov.com)

DEPARTMENT OF HOUSING AND  
NEIGHBORHOOD PRESERVATION  
CODE ENFORCEMENT  
PH: (757) 385-4421  
FAX: (757) 385-5694  
TDD: (757) 385-5794

MUNICIPAL CENTER  
BUILDING 18A  
2424 COURTHOUSE DRIVE  
VIRGINIA BEACH, VIRGINIA 23456-9083  
[www.vbgov.com/codeenforcement](http://www.vbgov.com/codeenforcement)

July 11, 2019

Janette Fisher Pakravan  
309 Cedarwood Ct #102  
Virginia Beach, VA 23454

Dear Mrs. Pakravan:

On July 9, 2019, the Department of Housing and Neighborhood Preservation (DHNP) staff discussed your request for an appeal of a notice of violation for Virginia Maintenance Code violations issued on February 28, 2019, with the State Technical Review Board Secretary, Travis Luter. Based upon this discussion, DHNP determined that your request for an appeal to the Local Board of Building Code Appeals will be granted and a hearing scheduled.

In accordance with Section 107.1 of the Virginia Maintenance Code, localities may charge fees to defray the cost of appeals. Effective November 20, 2017, a fee of \$250.00 is required for each appeal. Please submit payment by cashier's check or money order to City of Virginia Beach – Treasurer at the address listed above prior to July 24, 2019.

Pending receipt of your payment, your appeal is tentatively scheduled to be heard on August 5, 2019, at 10:00 AM, in the Fire Prevention Conference Room in Building 21 at the Virginia Beach Municipal Center.

Please contact me at 385-4421, if you have any questions.

Sincerely,

Wells Freed  
Housing Code Administrator

CC: Victoria Rice, City Attorney  
Travis Luter, State Technical Review Board

**BOARD OF BUILDING CODE APPEALS,  
BUILDING MAINTENANCE DIVISION  
RESOLUTION**

WHEREAS, the City of Virginia Beach Local Board of Building Code Appeals, Building Maintenance Division, is duly appointed to resolve disputes arising out of the enforcement and interpretation of the Virginia Maintenance Code (Virginia Uniform Statewide Building Code, Part III); and

WHEREAS, an appeal has been filed and brought to the attention of the Board by Janette Fisher Pakravan on June 13, 2019, in regard to a Notice of Building Code Violation of Virginia Maintenance Code Sections: 605.1 – Electrical Components, 305.1 – Interior General and 702.1 – Means of Egress at 309 Cedarwood Ct #102, Virginia Beach, Virginia 23454; and

WHEREAS, on August 5, 2019, the Local Board of Building Code Appeals determined that they did not have jurisdiction to consider the aforementioned appeal; and

WHEREAS, the Board has fully deliberated this matter.

THEREFORE, BE IT RESOLVED, that in the matter of Janette Fisher Pakravan and the jurisdiction of the Notice of Building Code Violation of Virginia Maintenance Code Sections: 605.1 – Electrical Components, 305.1 – Interior General

and 702.1 – Means of Egress at 309 Cedarwood Ct #102, Virginia Beach, Virginia  
23454:

The appeal is hereby

- 1. Denied due to the lack of jurisdiction,
- 2. Denied and the decision of the Code Official is upheld, OR
- 3. Approved and the decision of the Code Official is reversed OR
- 4. Neither approved nor denied, but the decision of the Code Official is modified as follows:

\_\_\_\_\_.

For the reason(s) set out below:

Rescinded violation of USBC for lack  
of jurisdiction

Date: 8/5/19  
Signature: *M. Howell* *Ruth A. Bell*  
Chairman  
*Jimmy A. Kosh*

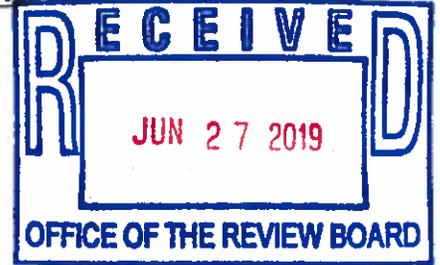
**Any person who was a party to the appeal may appeal to the State Review Board by submitting an application to such Board within 21 calendar days upon receipt by certified mail of this decision. Application forms are available from the Office of the State Review Board, 600 East Main Street, Richmond, Virginia 23219, (804) 371-7150.**

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
State Building Codes Office and Office of the State Technical Review Board  
Main Street Centre, 600 E. Main Street, Suite 300, Richmond, Virginia 23219  
Tel: (804) 371-7150, Fax: (804) 371-7092, Email: sbco@dhcd.virginia.gov

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

- Uniform Statewide Building Code
- Statewide Fire Prevention Code
- Industrialized Building Safety Regulations
- Amusement Device Regulations



Appealing Party Information (name, address, telephone number and email address):

JANETT FISHER PAKKAVAN and AUTUMN PAKKAVAN  
309 CEDARWOOD COURT # 102 VA. BEACH VA 23454  
PHONE 757-274-9860  
EMAIL owltree306@gmail.com

Opposing Party Information (name, address, telephone number and email address of all other parties):

Andrew Friedman Dir. Housing & Neighborhood  
Preservation Municipal Ctr. Bldg 21, 2408 Court House  
Dr. N. 144 Va Beach Va 23456 Phone 757-385-5752  
Email a.friedma@va.gov.com

Additional Information (to be submitted with this application)

- Copy of enforcement decision being appealed
- Copy of record and decision of local government appeals board (if applicable and available)
- Statement of specific relief sought

CERTIFICATE OF SERVICE

I hereby certify that on the 25 day of June, 2019 a completed copy of this application, including the additional information required above, was either mailed, hand delivered, emailed or sent by facsimile to the Office of the State Technical Review Board and to all opposing parties listed.

Note: This application must be received by the Office of the State Technical Review Board within five (5) working days of the date on the above certificate of service for that date to be considered as the filing date of the appeal. If not received within five (5) working days, the date this application is actually received by the Office of the Review Board will be considered to be the filing date.

Signature of Applicant: Handwritten signatures of Janett Fisher Pakkavan and Autumn Pakkavan in black ink.

Name of Applicant: JANETT FISHER PAKKAVAN AUTUMN PAKKAVAN  
(please print or type)



Luter, William &lt;travis.luter@dhcd.virginia.gov&gt;

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## Final Resolution of Local Board of Building Code Appeals

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**Roberta Fisher** <owltree306@gmail.com>  
To: "Luter, William" <travis.luter@dhcd.virginia.gov>

Mon, Aug 12, 2019 at 10:00 AM

Dear Mr Luter

The LBBCA made their decision and emailed me on it.

Attached is their Final Resolution.

Below is my response.

### RESPONSE TO THE VIRGINIA BEACH LOCAL BOARD OF BUILDING CODE APPEALS

I Janett Fisher Pakravan, argue that the LBBCA of Virginia has not only contradicted itself in it's 'Resolution' but has also intentionally made serious 'mistakes'.

One: My name is not "Janette Fisher Pakravan". It is "Janett Fisher Pakravan" of which was clearly typed on the appeal and of which the LBBCA refused to recognize and to address with respect.

Two: I did not file an appeal on June 13, 2019. There is no indication from the LBBCA of where they obtained this date.

On August 1, 2019, I sent 4 of 4 parts of my LBBCA Appeal to a Mr Barnes who was listed as the contact person on the Internet for The City of Virginia Beach Board of Building Code Appeals. According to Ms. Beverly K. Wilson ([BKWilson@vbgov.com](mailto:BKWilson@vbgov.com)) in the Office of The City Attorney, Deputy City Attorney on July 29, 2019, my \$250 fee was waived by DHNP as an accommodation to my disability within time to have my August 5, 2019.

This was my second Appeal to the LBBCA. I filed on February 14, 2019 my appeal which was intercepted, altered, tampered with and noted by Marcus Wliamson of the DHNP, copied to Andrew Friedman and Wells Freed, where Williamson srated rhe code numbers were removed and as such I could not appeal anywhere.

Three: The LBBCA claims to not have jurisdiction over my second Appeal and then proceeds to make an order rescinding the code violations. No Board can issue orders when they claim they do not have jurisdiction. The LBBCA failed to list any statute, law, that would invalidate jurisdiction.

As Wells Freed and Andrew Friedman sit on the Board as city reps and as Wells Freed appoints Secretaries to the Board, it Cleary shows that the Board is unduly influenced by the DHNP and their decision shows it.

I ask the State Technical Review Board to overturn the decision of the LBBCA and to immediately correct their failed resolution by demanding and requiring the City of Va Beacj and the DHNP reinstate my Housing Choice Voucher participation in the HCV Program and reinstate my Housing Choice Voucher as it was unlawfully denied to me by the DHNP's malicious manufactured violations when there were none to start with.

Sincerely,

Janett Fisher Pakravan

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**RELIEF ASKED FOR FROM THE SPECIFIC  
VIRGINIA BEACH DEPARTMENT OF HOUSING AND NEIGHBORHOOD PRESERVATION  
CITED CODE VIOLATIONS OF JANUARY 25, 2019**

**Background of Virginia Maintenance Code:**

My daughter Autumn and I, Janett Fisher Pakravan, reside at Lynnhaven Landing Apartments at 309 Cedarwood Court, Virginia Beach, Virginia 23454.

The City of Virginia Beach Department of Permits & Inspections has a Certificate of Occupancy listing Lynnhaven Landing as being built in 1972 with the Owner being Virginia Mountain Housing Inc, which changed its name to VMH, Inc. in the 1990s and eventually to Community Housing Partners.

The City of Virginia Beach Zoning Department has a Standard Property Record (Parcel I.D. 1497 752 414 0000) proving that Lynnhaven Landing LLC was built in 1972 as a multifamily apartment complex and of which building remains at the age of 47 years, a multifamily apartment complex still. The use of the building has not changed, it was, and is, a multifamily apartment complex.

The Virginia Fire Safety Regulations requirements, was adopted April 12, 1949 by the State Corporation Commission. The State Corporation Commission, the adopting agency, amended it in 1981. On June 16, 1982 the State Board of Housing and Community Development, stated that the Maintenance Requirements for Existing Buildings: “According to Virginia’s building and fire codes, an existing building is required to be maintained in accordance to the building code that was in effect at the time the building was constructed and with the requirements of any applicable maintenance provisions of Virginia’s fire code.”

This means that many conditions identified in an older building that may not be in full compliance with today’s codes are acceptable because these conditions were okay at the time the building was constructed. As long as the use of the building was not changed, the building owner is not legally required to retrofit the building to meet the current code.

On April 12, 1949, Virginia Fire Safety Regulations became the first statewide applied building code to be adopted in Virginia. This law was renamed as the Virginia Public Building Safety Law (VPBSL) and the regulations were renamed as the Virginia Public Building Safety Regulations (VPBSR) maintenance and fire code used by The State Fire Marshal to inspect buildings. This code is used for maintenance of buildings constructed between April 12, 1949 and September 1, 1973.

On September 1, 1973 Virginia declared that The Uniform Statewide Building Code (USBC) was required for maintenance of buildings built after September 1, 1973

In 1981, the law was amended to require buildings built after USBC was in effect to be maintained in accordance with the fire safety requirements listed in the USBC. This means that the VPBSR is now used only as a maintenance code for buildings built before 1973.

The USBC is part of the Virginia Administrative Code (VAC), the official compilation of state regulations published under the authority and guidance of the Virginia Code Commission. In the 2015 Edition of the USBC only the model code numbering system is utilized.

**VMC §104.4.4 Conflict of interest.** The standards of conduct for code officials and technical assistants shall be in accordance with the provisions of the State and Local Government Conflict of Interests Act, Chapter 31 (§ 2.2-3100 et seq.) of Title 2.2 of the Code of Virginia. The Virginia Beach Department of Housing and Neighborhood Preservation, it’s Director, Andrew Mitchell Friedman and its staff, from their actions as applied to their written paperwork sent to me, Janett Fisher Pakravan, are in Conflict of Interest, in their statements that

my dwelling unit failed to pass inspection on January 25, 2019, in their unlawful actions in regards to my February 14, 2019 Appeal to the Local Board of Building Codes Appeal and in their Ex Parte Hearing where they used an employee unfamiliar with law and informal hearing protocol, to make a declaration that my unit failed. This was careless disregard for law and for Constitutional Rights, all in efforts to not admit error by their falsely stated alleged code violations. They breached the Conflict of Interest law.

According to the DHCD, “generally an appeal must first be made to a local government appeals board and then to the SBCTRB if relief is not granted by the local board.” Both the building and fire codes contain provisions advising of the right to appeal and directing aggrieved parties to the appropriate appeals board. Unfortunately for me, the Virginia Beach Department of Housing and Neighborhood Preservation failed to provide the proper way to appeal their decision and after I did appeal their decision, they intercepted my appeal in order to make it moot so that I could not appeal anywhere. They later restored the code numbering system so that I could appeal.

## Overview

The USBC is divided into three stand-alone parts. Part I contains regulations specific to the construction of new buildings and structures and is known as the Virginia Construction Code. Part II contains regulations specific to the rehabilitation of existing buildings, including repair, alterations, additions and change of occupancy in existing buildings and structures, and is known as the Virginia Existing Building Code.

Part III of the USBC contains the regulations for the maintenance of existing structures which is enforced at the option of the local governments. It is known as the Virginia Maintenance Code.

The 1981 Virginia Public Building Safety Regulations (VPBSR) in Part One, consisting of Articles 1 through 7, applies to buildings constructed between April 12, 1949 and September 1, 1973, the effective date of the Uniform Statewide Building Code.

The Fire Hazards Law was repealed in 1986 and was replaced by the Virginia Statewide Fire Prevention Code (VSFPC)§27-30 through §27-101. The VSFPC replaced the VPBSR as the applicable maintenance code for all buildings in the state.

In accordance with the Virginia Fire Safety Regulations, those “Regulations shall apply to all public buildings as defined by Chapter 493, Acts of Assembly, 1948, as amended by Chapter 605, Acts of Assembly, 1952, in which the term, “public building means and includes any building or structure, permanent or temporary which is used or occupied, or to be used or occupied by ten or more persons who are housed, without limiting the foregoing, includes apartment houses... no building shall be included in the term “public building” as aforesaid, unless such building or structure is so used or occupied by 20 or more persons aforesaid.”

## **The Virginia Public Building Safety Regulations is a maintenance and fire code of which the Fire Marshal used for inspections of buildings. Thus Fire Code Regulations were instilled in this code.. §100-2**

Application of the Code (a) these Regulations shall apply to all buildings as defined by Chapter 493, Act of Assembly, 1948, as amended by Chapter 605, Acts of Assembly, 1952, in with the term “public building” means and includes any building or structure, permanent or temporary, which is used or occupied, or to be used or occupied, by ten or more persons who are housed, without limiting the foregoing, includes apartment houses; provided however, that in any city having a population according to the last official census of more than 200,000 people, no building or structure as aforesaid shall be included in the term, “public building” as aforesaid, unless such building or structure aforesaid is to be used or occupied by 20 or more persons as aforesaid. Unless specially noted, these Regulations shall not apply to 1, 2, or 3 family dwellings.

(d) where a requirement of these Regulations is more restrictive than the corresponding requirement of any political subdivision, the requirement of these Regulations shall govern.

(e) Any table of contents, index, appendix, or explanatory reference not accompanying or appearing in these Regulations shall not be considered a part of the Regulations.

**The Virginia Public Building Safety Regulations:** §100-3. Effective Dates: (a) The effective date of any provision of these Regulations shall be 90 days from the date of its adoption in the case of buildings hereafter erected or equipment hereafter installed. (b) The effective date of any provision of these Regulations shall be one year from the date of its adoption in the case of existing buildings or equipment heretofore installed.

**Virginia Public Building Safety Regulations in Part One,** Articles 1 through 7 in accordance with Virginia Fire Safety Regulations, state the following:

Article 2 - Definitions - Section 200. Definitions:

“APARTMENT” means a room, or a suite of two or more rooms, in a Group C building, occupied as the home or residence of an individual, family, or household. My dwelling unit at 309 Cedarwood Court, apartment 102 is an apartment by this definition.

“APARTMENT HOUSE” means a building in which three or more apartments are located. 309 Cedarwood Court is an apartment house in the apartment complex of Lynnhaven Landing.

“EXIT DOORWAY” means a doorway leading into an Exitway or to a street or to an open place giving safe access to a street. This means the front door, just off the small vestibule of 309 Cedarwood Court.

“EXITWAY” means the necessary combination of “Exit Facilities: through which persons may proceed safely in case of emergency from any floor of a building to the main entrance floor or to a street or an open space which provides safe access to a street; provided that Exitways from the main entrance floor shall discharge directly to a street or an open space which gives safe access to a street. From Apartment 102 at 309 Cedarwood Court there is an exit from the front door of the apartment to the vestibule and less than 10 feet to the front entry/exit door of the building, 309 Cedarwood Court, and thence to the sidewalk leading to the parking lot.

“GRADES” with reference to a building, means when the curb level has been established, “grade” means the mean elevation of the first ground surface adjoining the building along such wall. Group C Building means a building in which sleeping accommodations are provided; including among others, Apartments. Lynnhaven Landing apartments is a Group C Building.

“MULTIFAMILY HOUSE” means a building occupied as the home or residence of individuals, families, or households living independently of each other, of which 4 or more are doing cooking within their apartments; including apartment house, flat. a row of 4 or more single family houses not separated by Fire Walls is considered to be a multifamily house. Lynnhaven Landing has approximately 252 units where residents cook, sleep, and use the apartment as a residence and it is a Multifamily building.

In the VPBSR code, Article 4 - Means of Egress; Section 401 General §401-1. Composition of Exitways: (a) Exitway” means the necessary combination of “Exit Facilities” through which persons may proceed safely in case of emergency from any floor or a building to the main entrance floor or to a street or an open space which provides safe access to a street; provided the Exitways from the main entrance floor shall discharge directly to a street or open space which gives safe access to a street. An Exitway must be readily and easily accessible from all points of the floor which it serves.

(c) Exit Facilities permitted for use in Exitways are:(1) Interior Exit Stairways (Section 404); (3) Horizontal Exits (Section 406); (7) Exit Hallways (Section 410); (8) Exit Doorways (section 411), As my apartment is on the First Floor my means of egress is through my front door to the foyer and out the building’s front door which makes for an easy and fast exiting for me, who must use assistive devices in order to walk and cannot climb up to any window to exit.

§401-2 Arrangement of Exitways, (a) . when two or more Exitways are required from Group C, D, and E buildings, at least one shall discharge directly to a street or to an open space which gives safe access to a street. (c) when a foyer discharges directly to the outside, and the Commission is satisfied that only a negligible amount of combustibles will be introduced therein it may permit Exitways to utilize such a room as an Exit Facility when (1) the room is otherwise constructed as an Exit Hallway. This means of exit by foyer to the outside is the chosen method of exit by my family and myself.

§403-1 How Exitways are to be located for Group C multifamily apartment buildings state that the Exitways shall be so located that no point in a floor area served by them is more than 100 feet from an Exitway measure along the line of travel. I have to travel approximately 10 or less feet from my apartment to the foyer and out of the building's front door.

§406 Horizontal Exits - §406-2 Composition - Horizontal Exits shall consist of vestibules, open-air balconies, bridges, doorways through or around Fire Walls or Fire Partitions, connecting two floor areas. My apartment is off of a very small vestibule with an exit door less than 10 feet away..

### **Definition of Lynnhaven Landing in compliance with VPBSR Code**

Lynnhaven Landing is a Group C building apartment complex, consisting of Apartment Houses in which three or more apartments are located. Lynnhaven Landing Apartments structurally has 252 units in five (5) different "courts" and on some areas of Regan Avenue according to Community Housing Partners the owner of Lynnhaven Landing. Those areas are: Cedarwood Court, Cypresswood Court, Elmwood Court, Fernwood Court, Riverwood Court. Each building has a minimum of four (4) apartment dwelling units. Some townhouses are located at Lynnhaven Landing. Cedarwood Court has approximately fourteen (14) apartment buildings, consisting of four (4) dwelling units per building, with a minimum of 8 persons + persons per building. Thus Lynnhaven Landing qualifies under the Virginia Fire Safety Regulations as being a multifamily apartment complex.

### **Definition of 309 Cedarwood Court in compliance with VPBSR Code**

Lynnhaven Landings's, Cedarwood Court apartment buildings, has approximately fourteen (14) apartment buildings. 309 Cedarwood Court consists of four (4) dwelling units in the building with two (2) dwelling units per floor; with a minimum of 8 persons persons living in the building; it has two (2) stories with a horizontal exitway of the first floor foyer (vestibule) Exit Doorway of which Exitway is located so that no point in a floor area served by them is more than 100 feet from an Exitway measure along the line of travel ; of which Exit Doorway is the main entrance which discharges to a sidewalk which gives access to a parking lot, of which parking lot gives access to Regan Avenue; Each sleeping room has a window leading directly to the outside, but whose window sill is 48 inches (4 feet) above the floor and impossible for my family and myself to use as an exit.

### **Occupant Disabilities which make us a Protected Class**

We, Autumn Pakravan and Janett Fisher Pakravan, the occupants of 309 Cedarwood Court, apartment 102, are both disabled with the documented major ailments of (i) Cystic Fibrosis which has caused Scoliosis in both of us along with breathing difficulties and other disabling conditions; (ii) Congestive Heart Failure, which has caused in both of us, breathing problems, blood flow problems which has resulted in our blood not being able to move around the body efficiently which has caused huge swelling of us by accumulation of fluid that is in every part of our bodies with the most accumulation of fluid in out feet, legs and abdominal areas necessitating the use of assistive devices of canes and walkers; (iii) Cystic Fibrosis related Asthma which affects our breathing. I, Janett Fisher Pakravan, have documented severe osteoarthritis which has caused mobility issues. Neither Autumn Pakravan, nor I, Janett Fisher Pakravan, are able to lift ourselves up to a height of four (4) feet above the floor to reach a bedroom window sill and then to break the 4 panes in order to exit the building in case of a fire. Our bedrooms have an exit door to the short hallway, through the great room (consisting of living room and dining

area) and then to the front door of our apartment. The front door of our apartment exits into the vestibule, where within 10 feet we are at the exit entrance/exitway and outside the building onto a sidewalk that leads to the parking lot and from there to Regan Avenue. This is our only accessible, non-obstructed exitway in case of a fire. The egress via the vestibule and out the Exit door meets the VPBSR fire code requirements.

Confirmation to Lynnhaven Landing of the disability of Autumn Pakravan was put in writing on the rental application with Lynnhaven Landing June 18, 2012 along with an oral statement by Autumn Pakravan.

Confirmation to Lynnhaven Landing of the disability of Janett Fisher Pakravan was made by visual sight of me, Janett, by a member of the Community Housing Partners, by Valeri and Vanessa of the Rental office, along with the property manager on June 18, 2012 in the Rental Office of Lynnhaven Landing and again with a copying of the Commonwealth of Virginia Division of Motor Vehicles Permanent Handicap Placard and presentation of that Placard to the preset property manager at Lynnhaven Landing, Crissie Willoughby-Benoit.

Confirmation to the Virginia Beach Department of Housing and Neighborhood Preservation (DHNP) of me, Janett Fisher Pakravan was by visual sight in June of 2012 with Warnette Cason, Housing Specialist at the DHNP and by oral statement of the disability of both Autumn Pakravan and I, Janett Fisher Pakravan, and during the beginning of each year at times of Re-Certification with the DHNP.

ADA does not require that we, the disabled, give away our private disability medical ailments or our medical records to landlords or to rental assistance providers unless we ask for a reasonable accommodation that would cost these parties monetary funds or other difficulties which would necessitate some knowledge of our disabilities.

We, Autumn Pakravan and Janett Fisher Pakravan, the occupants of 309 Cedarwood Court, Apartment 102, in case of a fire emergency, must be permitted to use the only Exitway available to us with our disabilities, that of the doorway exit from our bedrooms, into our living/dining areas of our first floor apartment, then by the apartment front door onto the first floor vestibule and from there, approximately 10 feet, out of the building by the Entrance/Exit doorway to the sidewalk. None of which first floor apartment exitways are blocked in any way for egress from this apartment unit for us the physically disabled occupants. This "fire exit" Reasonable Accommodation, should there be a need for one, is mandated in order for the building code maintenance and fire code of the VPBSR or any other maintenance or fire code or the HUD Housing Quality Standards, to be in compliance with the following disability laws:

The Virginia Fair Housing Law prohibits the following practices in rental housing and other housing related transactions: Refusing to make reasonable accommodations in rules, practices, policies, or services when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling.

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based on disability in any program or activity receiving federal financial assistance. The Commonwealth of Virginia receives federal funding for various projects and as such must make changes to policies, practices and rules for handicapped individuals.

Title II of the American with Disabilities Act of 1990 prohibits discrimination based on disability in programs, services, and activities provided or made available by public entities. HUD enforces Title II when it refers to state and local public housing, housing assistance, and housing referrals.

The Architectural Barriers Act of 1968: The Architectural Barriers Act requires that buildings and facilities designed, constructed, altered, or leased with certain federal funds after September

1969 must be accessible to and useable by handicapped persons.

Title VI of the Civil Rights Act of 1964 and relation nondiscrimination statues to ensure nondiscrimination in all programs and activities of a recipient, whether those programs and activities are federally funded or not.

Americans with Disabilities AC (28 CFR Part 35, Title 11, Subtitle A.) Prohibits discrimination on the basis of disability in all services, programs and activities provided to the public by State and Local governments, except public transportation services.

Under the definition of “disability” a physical impairment includes a condition which affects a person’s respiratory system. A person is considered to have a disability if he has a physical impairment which substantially limits one or more major activities, and has a record of that impairment, or is regarded as having that impairment. Asthma ( Cystic Fibrosis related) is a physical impairment. The Department of Justice regulations define “a major life activity” to include breathing. According to the United States Attorney General “Breathing is a disability” and reasonable accommodations should be understood and accepted. Pulmonary Hypertension and Heart failure affects breathing and thus the U.S. Attorney General would agree to providing reasonable accommodation for both Autumn Pakravan and for me, Janett Fisher Pakravan.

The Commonwealth of Virginia, Department of Motor Vehicles, (DMV), in consultation with its Medical Advisory Board, defines a permanent disability as a condition that limits movement from one place to another or the ability to walk as defined in Virginia Code 46.2-1240, and that has reached the maximum level of improvement and is not expected to change even with additional treatment. To that end, the DMV provides a Permanent Handicapp Placard of which the Virginia Department of Motor Vehicles has granted to me, Janett Fisher Pakravan since 1997.

The Virginians with Disabilities Act (Va. Code §51.5-1 et seq.) requires all to provide in a comprehensive and coordinated manner that makes the best use of available resources, those services necessary to assure equal opportunity to persons with disabilities in the Commonwealth.

Rights of Persons with Disabilities (Va Code §51.5-40 Nondiscrimination under state grants and programs. No person with a disability who is otherwise qualified shall on the basis of his disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving state financial assistance or under any program or activity conducted by or on behalf of any state agency. (1985, c. 451, §51.01-40; 1990, c. 458, 1992; c. 627; 2002, c. 572; 2012 c. 847; 2014, c. 616)

The City of Virginia Beach Administrative Directive (AD).1.11 (2.4) Modifications to Policies and Procedures: The City of Virginia Beach will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services and activities.

§51.5 -44 Rights of persons with disabilities in public places and places of public accommodation. (A) A person with a disability has the same rights as other persons to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places. A public place is also classified as an apartment building.

## **The Applicable Building Maintenance and Fire Prevention Code:**

Lynnhaven Landing Apartments has been proven to have been constructed in 1972 as a Multifamily housing apartment Complex of which it still is today, in June of 2019.

Between 1949 and 1981, the Virginia Public Building Safety Regulations (VPBSR ) was the applicable maintenance code (fire prevention code) used during the fire marshal inspections.

In 1986, the Virginia Statewide Fire Prevention Code (VSFPC) was adopted. The new fire prevention code replaced the VPBSR as the applicable maintenance code for all buildings in the State. At that point on, the VPBSR is used only to clarify the construction requirements in effect at the time a building was constructed.

VPBSR is the applicable maintenance code for buildings built before September 1, 1973 of which Lynnhaven Landing apartment complex , built in 1972, comes under the maintenance of the Virginia Public Building Safety Regulations (VPBSR)

## **Fire Safety Regulations for Virginia**

The Virginia Fire Hazards Law enabled **the first statewide apply Virginia's Fire Safety Regulations is the first statewide applied code to be adopted in Virginia. It was adopted April 12, 1949.**

The Virginia Beach Ordinance states: "The Virginia Beach Building Maintenance Code" may be so cited. (Code 1965, § 819-2; Ord. No. 1652, 10-27-86; Ord. No. 1922, 10-2-89), The Virginia Beach Building Maintenance Code as stated in the Ordinance is in complete compliance with the Uniform Statewide Building Code (USBC) and is worded similarly to the USBC.

The Virginia Beach Ordinance Sec. 16-3. - Purpose of chapter. "The purpose of this chapter is to provide minimum standards and requirements for the maintenance of housing and other structures in the city, **in accordance with the provisions of the Virginia Uniform Statewide Building Code** for Existing Structures, and **in the event any law or other ordinance of the city requires higher standards or more stringent requirements than are required by this chapter, the provisions of such law or other ordinance shall prevail**, except to the extent that such law or other ordinance shall conflict with such code or any provision thereof." (Code 1965, §19-3; Ord. No. 1654, 10-27-86; Ord. No. 2467, 1-13-98)

The Virginia Beach Ordinance Article II. - Virginia Uniform Statewide Building Code; Division 1. - Generally, Sec. 8-26. - Adopted. The Virginia Uniform Statewide Building Code, as amended, including all future amendments thereto and editions thereof, and all model building codes and portions of other model codes or standards which are, or may hereinafter be, referenced, adopted or incorporated therein, is hereby adopted and incorporated by reference into the Code of the City of Virginia Beach (Code 1965, §8.1; Ord. No. 1099, 10-13-80; Ord. No. 1641, 10-27-86).

As the city's Ordinance is based on the USBC, then it follows that the Virginia Beach Building Maintenance Code, the Uniform Statewide Building Code, the Virginia Maintenance Code and the HUD Housing Quality Standards all defer to the maintenance code in place at the time of construction of the building.

Thus the Department of Housing and Neighborhood Preservation (DHNP), it's Director, staff, and inspectors, for the past six (6) months have all failed to acknowledge and use the correct applicable building maintenance code which was in place when the 309 Cedarwood Court was first given a Certificate of Occupancy (13 VAC 5-63-160 §116).

I have proven in the chart provided below that the USBC Code Part III, the Virginia Maintenance Code, used by the DHNP to cite violations allegedly caused by me and of Marcus Williamson's stripping of the VMC code section numbers with his embellishment of HUD's Housing Quality Standards, all do not match the codes, evades and manipulates the description of the codes, and simply does not exist as violations.

In the Department of Housing and Neighborhood Preservation "NOTICE OF UNIT INSPECTION FAILURE", dated March 26, 2019, sent to me by the Rental Housing department of DHNP, of which is administered by Marcus Williamson, received by me on April 1, 2019 the alleged violations under VMC maintenance code are still in existence. Thus removing the attempts by the director of DHNP Andrew Friedman, Marcus Williamson, and Wells Freed Enforcement Code Administrator, and possible others, to make moot the January 28, 2019 DHNP declared failure of my apartment to pass inspection on January 25, 2019, by stripping the VMC Code of its model code numbering system, embellishing the alleged code and HQS violations and telling me that now I could not appeal anywhere. On both dates of January 28, 2019 and March 26, 2019, the Rental Housing division of the DHNP and Frank Grice cited VMC alleged code violations of the following:

January 28, 2019 regarding January 25, 2019 inspection failure -	March 26, 2019 Rental Housing & Frank Grice
Living Room - 605.1 ELECTRICAL COMPONENTS,need access to all outlets, <b>correct within 21 days-RE-INSPECT-02/15/2019</b>	Living Room - 605.1 ELECTRICAL COMPONENTS,need access to all outlets, <b>correct wihtin withine 21 days-RE-INSPECT-02/15/2019</b>
Kitchen - 305.1 INTERIOR GENERAL,interior very cluttered, <b>correct within 21 days-RE/INSPECT 02/15/2019</b>	Kitchen - 305.1 INTERIOR GENERAL.,interior very cluttered, <b>correct within 21 days-RE/INSPECT 02/15/2019</b>
General Health and Safety - 702.1 MEANS OF EGRESS, GENERAL, Windows are completely blocked creating a problem with ingress and egress, <b>CORRECTED WITHIN SEVEN DAYS-RE-INSPECT 02/01-2019]</b>	General Health and Safety - 702.1 MEANS OF EGRESS, GENERAL., Windows are completely blocked creating a problem with ingress and egress, <b>CORRECTED WITHIN SEVEN DAYS-RE-INSPECT 02/01-2019].</b>

<b>Cited Code Violations Versus Actual Code Contents</b>	
<b>Robert Etheridges Written Code Violation</b> supported by Andrew Friedman, Ashley Wells Free, Marcus Williamson, and the DHNP Staff:	Living Room - 605.1 ELECTRICAL COMPONENTS, need access to all outlets, <b>correct within 21 days-RE-INSPECT-02/15/2019</b>
<b>Marcus Williamson along with Undisclosed DHNP Employees,</b> (March 8, 2019 letter)  Marcus Williamson copied his letter sent to me to the following: Andrew Mitchell Friedman, Wells Freed, and Lynnhaven Landing Apartments	March 8, 2019 letter of Marcus Williamson stated “Large furniture blocking access to electrical outlets and windows. The inspector was unable to check/test the following: a. Electrical outlets for safety hazards, required number of outlets and proper functionality. Tape has been installed over electrical equipment which could cause a fire.”
<b>Various Codes In Opposition to Etheridge’s Written Code Violation</b>	
<b>Code Enforcement Inspection Manual of the City of Virginia Beach Department of Housing and Preservation’s Code Enforcement Division:</b>	The housing inspector is to check the following: (a) “ <b>604.3 Electrical Hazards Outlets</b> Check outlets with circuit tester for proper operation, condition, and correct wiring.”
<b>2015 Edition of Uniform Statewide Building Code (USBC) Part III Virginia Maintenance Code Effective September 4, 2018:</b>	“ § <b>605.1</b> Electrical components. Electrical equipment, wiring, and appliances shall be <i>maintained</i> in accordance with the <i>applicable building code</i> .” It does not list “need access to all outlets”
<b>2012 Edition of USBC Part III VMC:</b>	“ <b>605.1</b> Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner”
<b>HUD’s Housing Quality Standards (HQS):</b> HUD may grant approval for a PHA to use acceptability criteria variations which apply standards contained in local housing codes or other codes adopted by the PHA	<b>24 CFR §982.401(f)(1)(2)(iii)</b> - (1) The dwelling unit must have sufficient electrical sources so occupants can use essential electrical appliances. (2) Acceptable criteria (iii) The living room and each bedroom must have at least two electrical outlets in proper operating condition. Permanent overhead or wall mounted light fixtures may count as one of the required electrical outlets

**Point:** Marcus Williamson’s March 8, 2019 dated letter (Continued): wrote

- “We reviewed your case and determined that we will not pursue enforcement under the Virginia Maintenance Code. These violations however, remain fully enforceable under HQS guidelines. Consequently, you may not appeal the citations under HUD’s HQS guidelines 24CFR 982.555(b)(6).” There were never any violations under any code. Attempts to make mootness are unlawful.

**Point:** None of the violations listed on the January 28, 2019 “Notice of Unit Inspection Failure - Tenant Copy” and on the March 26, 2019 Notice of Unit Inspection Failure list any 24 CFR Housing Quality Standards (HQS) code failures or violations as there are none.

<p><b>Point:</b> All of the HUD Housing Quality Standards stated are referenced from the following: Housing Choice Voucher Program Guidebook 10-3, Chapter 10 Housing Quality Standards.</p>	
<p>Chapter 10 Housing Quality Standards. Illumination and Electricity: The <b>living room and each sleeping space must have at least two electrical outlets in proper operating condition.</b> Permanent overhead or wall-mounted light fixtures may count as one of the required electrical outlets. <b>Tenant Preference:</b> The family may determine whether the location and the number of outlets and fixtures (over and above those required for acceptability standards) are acceptable.</p>	
<p>Chapter 10 Housing Quality Standards. <b>“Inspector judgment or tenant preference</b> may also need to be considered in determining whether the unit meets minimum standards or desirable.”</p>	
<p>There is no violation of this code.</p>	
<p><b>Robert Etheridges Written Code Violation</b> supported by Andrew Friedman, Ashley Wells Free, Marcus Williamson, and the DHNP Staff:</p>	<p>Kitchen - 305.1 INTERIOR GENERAL, interior very cluttered, <b>correct within 21 days-RE/INSPECT 02/15/2019</b></p>
<p><b>Housing Choice Voucher Program Guidebook 10-3; Chapter 10 Housing Quality Standards, 10.3 Performance Requirements and Acceptability Standards, Food Preparation and Refuse Disposal page 10-4</b></p>	<p>HQS “The dwelling unit must have suitable space and equipment to store, prepare, and serve food in a sanitary manner. The dwelling unit must have space for storage, preparation, and serving of food.”</p> <p><b>“Tenant Preference: The amount and type of storage space, the cosmetic conditions of all equipment, and the size and location of the kitchen are all determined by the family.”</b></p>
<p><b>Code Enforcement Inspection Manual of the City of Virginia Beach Department of Housing and Neighborhood Preservation’s Code Enforcement Division:</b></p>	<p>In regards to kitchens, only covers: 304.15 EXTERIOR DOOR(S) and 305.6 INTERIOR DOOR(S) to be checked.</p>
<p><b>2015 Edition of Uniform Statewide Building Code (USBC) Part III Virginia Maintenance Code Effective September 4, 2018:</b></p>	<p>305.1 General. The interior of a structure and equipment therein shall be <i>maintained</i> in good repair, structurally sound, and in a sanitary condition.</p>
<p><b>2012 Edition of USBC Part III VMC:</b></p>	<p>305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition.</p>
<p>There is no violation of this code.</p>	
<p><b>Robert Etheridges Written Code Violation</b> supported by Andrew Friedman, Ashley Wells Free, Marcus Williamson, and the DHNP Staff:</p>	<p>General Health and Safety - 702.1 MEANS OF EGRESS, GENERAL, Windows are completely blocked creating a problem with ingress and egress, <b>CORRECTED WITHIN SEVEN DAYS-RE-INSPECT 02/01-2019]</b></p>

<p><b>Housing Quality Standards</b> 24 CFR §982.401(d)(2)(iii)</p>	<p>Acceptable criteria Dwelling unit windows that are accessible from the outside, such as basement, first floor, and fire escape windows, must be locable (such as window units with sash locks and combination windows with latches) . <b>Windows that are nailed shut are acceptable only if these windows are not needed for ventilation or as an alternate exit in case of fire.</b></p>
<p><b>Housing Choice Voucher Program Guidebook 10-3; Chapter 10 Housing Quality Standards, Section 10.4 of this Chapter discusses all PHA responsibilities. Access page 10-4</b></p>	<p>The building must provide an alternate means of exit in case of fire. Acceptability Criteria: The emergency (alternate) exit from the building (<b>not the unit</b>) may consist of fire stairs, <b>a second door</b>, fire ladders, or exit through windows. The emergency exit must not be blocked. It must be appropriate for the family and considered adequate by local officials <b>“Tenant Preference: The tenant should assist the PHA in determining if the type of emergency exit is acceptable.”</b></p>
<p><b>2015 Edition of Uniform Statewide Building Code (USBC) Part III Virginia Maintenance Code Effective September 4, 2018:</b></p>	<p>702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the <i>public way</i>. Means of egress shall comply with the International Fire Code.</p>
<p><b>2012 Edition of USBC Part III VMC:</b></p>	<p>702.1 General A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the <i>public way</i>. Means of egress shall comply with the International Fire Code.</p>
<p><b>Housing Choice Voucher Program Guidebook 10-3; Chapter 10 Housing Quality Standards, Section 10.4 of this Chapter discusses all PHA responsibilities Space and Security; Acceptability Criteria</b></p>	<p><b>Dwelling unit windows that are accessible from the outside must be lockable.</b> Unit windows located on the first floor, at the basement level, on a fire escape, porch, or other outside space that can be reached from the ground and that are designed to be opened must have a locking device. <b>(Windows with sills less than six feet off the ground are considered accessible.)</b> Traditional window locks, those provided by storm/screen combination windows, window pins, and <b>nails are acceptable. Tenant Preference</b> - The family may determine the adequacy of room sizes and room locations. <b>The family is also responsible for deciding the acceptability of the type of door and window locks.</b></p>

<p><b>Statewide Fire Prevention Code Act Code of Virginia § 27 - 97. Adoption of Fire Prevention Code. Virginia Statewide Fire Prevention Code (SFPC) was adopted in 1986 and replaced the VPBSR</b></p>	<p>The Fire Prevention Code shall require that buildings constructed prior to 1973 be maintained in accordance with state fire and public building regulations in effect prior to March 31, 1986, (1986, c. 429; 1988, cc. 199, 340; 1989, cc. 90, 420; 1990, c. 69; 1991, c. 53; 1994, c. 275; 1997, c. 584; 2000, cc. 951, 1065; 2002, c. 856; 2007, cc. 647, 741; 2010, cc. 587, 643.)</p>
<p><b>1986 - Statewide Fire Prevention Code (SFPC)</b></p>	<p>In 1986 the SFPC was adopted under laws §27-30 through §27-101.</p>
<p>The <b>Statewide Fire Prevention Code (SFPC)</b></p>	<p>The Statewide Fire Prevention Code is arranged in two parts:  <b>Part one consists of Articles 1 through 7 and applies to buildings erected after April 12, 1949.</b>  Part two applies to buildings erected before April 12, 1948 and consists of Articles 11 through 17.</p>
<p><b>The Statewide Fire Prevention Code - Part 1- New Buildings (Buildings constructed between April 12, 1949 and September 1, 1973)</b></p>	<p>The Statewide Fire Prevention Code has Maintenance Requirements for Existing Buildings which are <b>regulated to be maintained in accordance with the building code that was in effect at the time the building was constructed and with the requirements of any applicable maintenance provision of Virginia’s fire code.</b></p>
<p><b>Virginia Public Building Safety Regulations for buildings constructed before September 1, 1973</b> is a maintenance and fire code which was used by the Fire Marshall to conduct inspections of buildings.</p>	<p>Article 4 Means of Egress page 19 through page 31 of the code lists exits of stairways, ramps, fire escapes, hallways, doorways. Even in Part two of the Code, the means of Egress are listed on pages 66- 71 of stairways, fire escapes, hallways, doorways.</p>
<p><b>Virginia Public Building Safety Regulations</b></p>	<p>Article 4 - Means of Egress - Section 400. Application of Article, §400-1 New Buildings Building shall be provided with means of egress in accordance with the requirements of this Article.</p>
<p><b>Virginia Public Building Safety Regulations</b></p>	<p>Article 4 - Means of Egress; Section 401 General §401-1. Composition of Exitways: (a) Exitway” means the necessary combination of “Exit Facilities” through which persons may proceed safely in case of emergency from any floor or a building to the main entrance floor or to a street or an open space which provides safe access to a street; provided the Exitways from the main entrance floor shall discharge directly to a street or open space which gives safe access to a street. ,</p>
<p><b>Virginia Public Building Safety Regulations</b></p>	<p>An Exitway must be readily and easily accessible from all points of the floor which it serves.  (c) Exit Facilities permitted for use in Exitways are:(1) Interior Exit Stairways (Section 404); (3) Horizontal Exits (Section 406); (7) Exit Hallways (Section 410); (8) Exit Doorways (section 411)</p>

<b>Virginia Public Building Safety Regulations</b>	§401-2 Arrangement of Exitways (c) when a foyer discharges directly to the outside, and the Commission is satisfied that only a negligible amount of combustibles will be introduced therein it may permit Exitways to utilize such a room as an Exit Facility when (1) the room is otherwise constructed as an Exit Hallway.
<b>Virginia Public Building Safety Regulations</b>	May 24, 1967 Amendment- §403-1 How Exitways are to be located for Group C multifamily apartment buildings state that the Exitways shall be so located that no point in a floor area served by them is more than 100 feet from and Exitway measure along the line of travel.
<b>Virginia Public Building Safety Regulations</b>	The front door of the 309 Cedarwood Court, Va Beach, Va apartment building is at least less than 10 feet distant from the front door of our apartment 102 at 309 Cedarwood Court, Va Beach, Va. Thus it is in compliance with this code section and with the May 24, 1967 Amendment.
<b>Virginia Public Building Safety Regulations</b>	§406 Horizontal Exits - §406-2 Composition - Horizontal Exits shall consist of vestibules, open-air balconies, bridges, doorways through or around Fire Walls or Fire Partitions, connecting two floor areas
<b>Virginia Public Building Safety Regulations</b>	§406-4 Vestibules and Balconies. When vestibules or open air balconies are used, they shall conform to the requirements of vestibules or open air-balconies.
<b>Virginia Public Building Safety Regulations</b>	Section 10 Enforcement §101-1.General These regulations shall be enforced as prescribed by Chapter 493, Acts of Assembly, 1948. (Note: See Appendix A, "Virginia Fire Hazards Law.")
<b>Virginia Public Building Safety Regulations</b>	§101-2. Chief Fire Marshal - Subject to the supervision and direction of the State Corporation Commission, the Chief Fire Marshal shall be directly responsible for the proper exercise of the functions and for the performance of the duties of the Commission in connection with the enforcement of Chapter 493, Acts of Assembly, 1948, and of these Regulations.
<b>Virginia Public Building Safety Regulations</b>	§101-3. Local Agencies - The powers and duties of local enforcement agencies respecting enforcement of these Regulations shall be as prescribed by law.

Means of Egress if a fire should start in apartment 102 at 309 Cedarwood Court, the dwelling unit of which my daughter and I, Janett Fisher Pakravan, presently reside, is in accordance with The Statewide Fire Prevention Code, The Virginia Public Building Safety Regulations, The Virginia Maintenance Code which defers to the VPBSR, the Uniform Statewide Building Code which defers to the VPBSR and in accordance with the Housing Quality Standards of HUD wherein **“Tenant Preference: The tenant should assist the PHA in determining if the type of emergency exit is acceptable.”**

The legal method of Egress for my family at 309 Cedarwood Court, apartment 102, is through walking out of the front door of my apartment, into the vestibule (foyer) which is less than 10 feet, and outside the building’s front entry/exit to the sidewalk and then to the parking lot. Of note, is that DHNP Inspector Frank Grice, DHNP Inspector Robert L. Etheridge, and administrative assistant Shawnti Todd, were all at my front door, standing in the vestibule and all know that from the front door of my apartment that the vestibule is very narrow, less than 10 feet, from the building’s front entry / exit door which leads directly to a small sidewalk and then to a longer sidewalk to the parking lot. They know that this is the quickest and easiest exitway for my family and I to take.

There is no violation of this code.

**Housing Choice Voucher Program Guidebook 10-3 Chapter 10 Housing Quality Standards 10.9 Semap Indicators Related to Inspections and HQS Indicator 6, HQS Enforcement page 10-34**

“Inspectors must identify the party responsible for each HQS violation listed on the inspection instrument so that proper notice can be sent to the owner and/or tenant for the appropriate items. This precludes abatement of owner rent when the violation(s) is the responsibility of the tenant. **Housing assistance payments are never abated for tenant deficiencies.”**

**Housing Choice Voucher Program Guidebook 10-3 Chapter 10 Housing Quality Standards 10.6 HQS Inspection Processes And Procedures Automated Inspection Systems**

**“The unit must pass the HQS inspection before the execution of the assisted lease and housing assistance payments (HAP) contract and the initiation of payments.”**

**Board of Housing and Community Development Virginia Fire Safety Regulations**

**1981 Virginia Fire Safety Law (VFSL) amended, renamed to Virginia Public Building Safety Law**

July 5, 1982

VFSL amended, Title changed to Virginia Public Building Safety Regulations (VPBSR) Added part 3.VPBSR is now used only as reference of maintenance requirements for existing buildings, included in the revised law §27-97 “The Fire Prevention Code shall require that all buildings constructed prior to 1973 be maintained in accordance with state fire and public building regulations in effect prior to March 31, 1986”

This dwelling unit of 309 Cedarwood Court Apartment 102 has: passed all Uniform Statewide Building Code, Virginia Maintenance Code, Virginia Public Building Safety Regulations, HUD Housing Quality Standards, and Statewide Fire Prevention Code, and did so by Matter of Law.

The question arises from the above information, which supports my claim that there was never any code violations, as to why a city government agency, the Director of that city agency and others within that agency, would deliberately and illegally cite code violations and HQS violations when it has been proven by me, by matter of law, that neither State Code or Federal Housing Quality Standards were violated by me?

The Department of Housing and Neighborhood Preservation (DHNP) and its Director, Andrew Mitchell

Friedman, Wells Freed and Marcus Williamson have been unable to prove that they ‘rescinded’ the VMC Code violations listed on the January 28, 2019 Notice of Unit Inspection Failure, as on March 26, 2019, the Rental Housing Division of the DHNP, administered by Marcus Williamson, wrote, “We have determined that the following corrective action(s) are required to place this unit in compliance with HUD Housing Quality and VMC standards:

1. Living Room - 605.1 ELECTRICAL COMPONENTS, need access to all outlets, **correct wihtin withine 21 days-RE-INSPECT-02/15/2019**
2. Kitchen - 305.1 INTERIOR GENERAL., interior very cluttered, **correct within 21 days-RE/INSPECT 02/15/2019**
3. General Health and Safety - 702.1 MEANS OF EGRESS, GENERAL., Windows are completely blocked creating a problem with ingress and egress, **CORRECTED WITHIN SEVEN DAYS-RE-INSPECT 02/01-2019].**

**THE UNIT IS STILL IN FAIL STATUS.**  
**Scheduled Abatement Date:** April 1, 2019”

However, included within that same Notice of Unit Inspection Failure, Frank Grice, Code Enforcement Inspector II, wrote his **ABATEMENT NOTIFICATION** to Lynnhaven Landing, in contradiction and in opposition of the Rental Housing Division statement of Failure by VMC Code and of Abatement. Grice wrote:

“Dear Lynnhaven Landing:

You were previously notified to correct HQS deficiencies at the address identified below. To date, you’ve failed to correct those deficiencies. This unit is out of compliance with program requirements. The housing assistance payments (HAP) for this unit will be abated. We will terminate the unit contract from the program and provide the tenant their voucher to move if this unit does not meet HQS requirements within a reasonable period.

**UNIT ADDRESS:** 309 Cedarwood Court 102  
**INSPECTOR** Frank Grice

**ABATEMENT DATE:** April 1, 2019

Your tenant is not responsible for abated HAP. Owners are prohibited by contract from attempting to collect HAP payments from the tenant. Additionally, housing assistance payments will not resume until the unit deficiencies are corrected and the unit passes inspection. Abated housing assistance payments will not be refunded.”

There was never a **NOTICE OF UNIT INSPECTION FAILURE OF HQS** sent to me by the DHNP or any of it’s departments. Marcus Williamson, in a letter dated March 8, 2019, sent to me, stated, “Several areas were cited as failing to meet HQS requirements and VMC guidelines, during the January 25, 2019 annual unit inspection.” Thus admitting that the DHNP had cited me for both HQS and VMC violations. Marcus Williamson also stated in the same letter to me, “You have requested an appeal of the clutter under the VMC guidelines”. Thus he stated that he was aware that on February 14, 2019, I had filed an Appeal to the LBBCA. At the same time, Marcus Williamson was stating the he knowingly and intentionally falsified what I had appealed and was rewording, tampering with, altering, and manipulating my Appeal contents.

Marcus Williamson wrote, “We reviewed your case and determined that we will not pursue enforcement under the Virginia Maintenance Code. These violations however, remain fully enforceable under HQS guidelines. Consequently, you may not appeal the citations under HUD’s HQS guidelines 24CFR 982.555(b)(6).”

Marcus Williamson has just stated that the VMC code is the same as the HQS rules and regulations, but that the DHNP will not charge me under the VMC which is connected to the USBC and is appealable under the USBC code violations to various boards and courts. Williamson is also stating by his and the DHNP manipulation of code and content, that he does not want any board to hear an appeal of the noted VMC code violations the DHNP intentionally, knowingly, and falsely charged me with. He and the DHNP will then use the HQS for the same VMC contents minus the code section number violations because he and the DHNP believe that the HQS is not appealable. They do not want anyone outside of Virginia Beach Department of Housing and Neighborhood Preservation to know what they do.

Marcus Williamson is not the LBBCA and neither is Wells Freed or Andrew Mitchell Friedman, although both Freed and Friedman sit on the board as City Staff Liaison members and even though the Secretary of the LBBCA is a DHNP employee. None of these city government employees have the right to intercept my Appeal to the LBBCA and to make a decision on my Appeal prior to a hearing by the LBBCA and a decision issued by the LBBCA. What Williamson, Freed and Friedman did was to manipulate the outcome of my Appeal by removing the VMC code violations section numbering and exchanging the contents of the VMC code violations with HQS requirements and then after this illegal manipulation of law, told me that I had now violated HQS of which did not fall under the USBC or it’s Part III VMC code and therefore I could not appeal to any board

On January 28, 2019 and again on March 26, 2019, the Rental Housing Division of the DHNP cited Notice of Unit Inspection Failure and cited the exact same VMC codes. On a letter, not a Notice, dated March 8, 2019 sent to me by Marcus Williamson, he had removed the section numbering of the VMC code and had stated the contents of the VMC code along with his expanded and inflated contents were no longer a violation of the VMC code but all of it was a violation of the HUD Housing Quality Standards and was not appealable anywhere. In looking at the January 28 and March 26 VMC Code Violations and the HQS violations cited by Marcus Williamson in a letter, not a Notice they are one and the same with inflation of and expansion of contents. See the chart below:

January 28, 2019 and March 26, 2019 citations of the exact same VMC Code Violations issued for the DHNP inspection of January 25, 2019	Marcus Williamson's March 8, 2019 cited HQS violations of the January 25, 2019 inspection
Living Room - 605.1 ELECTRICAL COMPONENTS, need access to all outlets, <b>correct within 21 days-RE-INSPECT-02/15/2019</b>	<ul style="list-style-type: none"> <li>• Large furniture blocking access to electrical outlets and windows. The inspector was unable to check/test the following: <ul style="list-style-type: none"> <li>• Electrical outlets for safety hazards, required number of outlets and proper functionality. Tape has been installed over electrical equipment which could cause a fire.</li> </ul> </li> </ul>

January 28 Citation expanded and inflated by Marcus Williamson and the DHNP on Marcus' March 8 letter, which fabricated a citation stating, "Large furniture blocking access to electrical outlets...The inspector was unable to check/test the following: Electrical outlets for safety hazards, required number of outlets and proper functionality. Tape has been installed over electrical equipment which could cause a fire." Looking at Etheridge Notice and the Marcus letter, they are the same except that Marcus inflated and expanded the VMC code and put the same contents under the HQS which has been proven to be wrong in the chart above.

Point 1) The original January 28 order never cited anything as "blocking access to electrical outlets". It reads, "need access to all outlets." The new March 8, citation cites "Large furniture blocking access to electrical outlets." This is forty-two (42) days after the -January 25, 2019 inspection and thirty-nine (39) days post-January 28, 2019 Notice of Inspection Failure amended and fabricated inspection failures which further modified the initial citation that was never part of the original citation for the unit. Furthermore, "Large furniture blocking electrical outlets" is impossible as electrical outlets the overhead light in the dining area and the lamp on the accent desk in the living room. Neither of which was blocked and both of which was accessible by a flipping of a switch by Robert L. Etheridge.

Point 2) On the March 8, 2019 citation DHNP has combined "electrical outlets and windows" into one violation of two parts, a, and b. On the January 28, 2019 citation DHNP did not combine electrical and windows. DHNP altered and manipulated their failure of the unit without disclosing such to the tenant and over a forty-two (42) days post-inspection.

Point 3) On the January 28, 2019 citation DHNP never cited in the failure of the unit, "The inspector was unable to check/test the following". It was written, "Living Room - 605.1 ELECTRICAL COMPONENTS, need access to all outlets". Marcus has expanded and inflated the alleged violations. HUD states clearly that the living room must have 2 outlets and that the overhead light functions as one of those outlets. Etheridge only had to reach out about 6 inches to flip a switch.

Point 4) It is a false and fraudulent statement issued by Marcus and DHNP that Etheridge "was unable to check/test the following: Electrical outlets for safety hazards, required number of outlets and proper functionality. Tape has been installed over electrical equipment which could cause a fire." Living room outlets were at approximately chest high and Etheridge was enjoying one of the outlets showing illumination, that of the overhead light in the dining area of the living room.

<ul style="list-style-type: none"> <li>General Health and Safety - 702.1 MEANS OF EGRESS, GENERAL, Windows are completely blocked creating a problem with ingress and egress, <b>CORRECTED WITHIN SEVEN DAYS-RE-INSPECT 02/01-2019]</b>”</li> </ul>	<p>1. Large furniture blocking access to electrical outlets and windows. The inspector was unable to check/test the following:</p> <p>b. Windows throughout the unit for: 1) hazards - ensuring windows stay up and in place with existing hardware, 2) security - ensuring windows lock properly, and 3) overall condition - windows are weather tight and functioning properly. In case of an emergency, these ground floor windows are weather tight and functioning properly. In case of an emergency, these ground floor windows could be needed fire exists or used for fire rescue purposes.</p>
<p>Point 1) According to HUD the DHNP is to confer with the Tenant to ascertain the correct egress. Windows can be nailed shut even according to HUD. HUD and the USBC both state that egress must can be by doorway. USBC defers to the building maintenance code at time of construction. The Virginia Public Building Safety Regulations is the correct maintenance and fire code for my dwelling unit. Looking at the Etheridge Notice of Code Violation and Marcus’s letter of alleged HQS violations, they are the same but Marcus has expanded and inflated the alleged violations which in the preceding chart has been proven to be false.</p>	
<p>Point 2) Over a forty-two (42) days after the -January 25, 2019 inspection post-inspection failure notice to tenant suddenly there are additional violations that were never a part of the Jan. 28, 2019 failure of the unit. Violations continue to be expanded and inflated to the initial alleged failure of the unit and be fabricated in order to attain the outcome of DHNP to evict the tenant from the HCV program and from Lynnhaven Landing based on a false and fraudulent failure of the unit. Egress as written by HUD and the VPBSR are for ground floor apartments through the front door of the apartment and out the building’s exit /entry door. This has been proven in the chart above.</p>	
<p>Kitchen - 305.1 INTERIOR GENERAL,interior very cluttered, <b>correct within 21 days-RE/INSPECT 02/15/2019</b></p>	<p>3. Excessive clutter and storage of items inside the unit and hallway area. A clear, unobstructed mean of egress to the exterior of the building is required in case of an emergency.</p>
<p>Point 1) Marcus’s letter dated March 8, 2019, expanded and inflated the same violations Marcus expanded the “clutter” and inflated it to include the entire unit and hallway area. HUD has declared for it’s HQS: “ The dwelling unit must have suitable space and equipment to store, prepare, and serve food in a sanitary manner. The dwelling unit must have space for storage, preparation, and serving of food.” <b>“Tenant Preference: The amount and type of storage space, the cosmetic conditions of all equipment, and the size and location of the kitchen are all determined by the family.”</b> There is no violation. Looking at Etheridge’s Notice and Marcus’s letter they are similar but with Marcus expanding and inflating the alleged violations.</p>	
<p>March 8, 2019, Marcus and the DHNP have expanded and inflated the alleged violations and in so doing has combined egress with kitchen clutter, only now saying it is the whole unit clutter when it was never any part of any alleged violations of either VMC or HQS standards. Egress under the VMC and the VPBSR is through the front door of the apartment and out from the vestibule through the building front door. The Housing Quality Standards of HUD wherein <b>“Tenant Preference: The tenant should assist the PHA in determining if the type of emergency exit is acceptable.”</b></p>	
<p>No failure notification was made on Jan. 28, 2019 notice of failure of unit for the bathroom cited in the March 8, 2019 notice.</p>	<ul style="list-style-type: none"> <li>Unable to inspect bathroom for required fixtures, plumbing leaks and overall condition.</li> </ul>

- HUD HQS states: “Housing Choice Voucher Program Guidebook 10-3 Chapter 10 Housing Quality Standards. Section 10.3 Performance Requirements and Acceptability Standard. **Only one bathroom is required to meet HQS.** Inspector Robert L. Etheridge inspected the large family bathroom and passed it.

Accordingly I have proven that the DHNP January 28, 2019 and March 26, 2019 Notices of Failure of Unit Inspection of VMC and HQS and the letter of Marcus Williamson dated March 8, 2018 expansion and inflation of alleged violations under the HQS are both similar to one another, and are both intentional, known false and fraudulent accusations that are not supported by sufficient evidence, nor by any law, rule, or regulation.

As the Local Board of Building Code Appeals has in its Maintenance division:

- a Secretary appointed by DHNP Code Enforcement Administrator Wells Freed,
- a Secretary chosen from the employees of the Department of Housing and Neighborhood Preservation;
- Wells Freed, DHNP Code Enforcement Administrator who sits on the LBBCA as a City Staff Liaison;
- Director of the DHNP, Andrew Mitchell Friedman who sits on the LBBCA as a City Staff Liaison

and as the DHNP, Wells Freed, Andrew Mitchell Friedman and Marcus Williamson intercepted my appeal to the LBBCA and made moot the VMC code violations and my appeal by removing the code section numbering system and moving the VMC code violations content to that of the HQS standards, with expansion and inflation of the contents, which they believed would be merely an act of rescinding the VMC code violation but keeping the contents as a HUD HQS violation; but which was frustrated by the Rental Housing Division on March 26, 2019 continuing to state VMC violations, they are defeated in their efforts to deprive me of my due process rights to appeal their unlawful VMC code violation of the January 25, 2019 Robert L. Etheridge code inspection enforcement search of my apartment.

However, it does not negate the criminality of the DHNP, Andrew Friedman, Wells Freed and Marcus Williamson in their efforts to not admit error, to terminate my Housing Choice Voucher and to terminate me from the Housing Choice Voucher Program by code manipulation.

Once an Appeal has been made to the Local Board of Building Code of Appeal, all action is stopped by the parties. This means that as of February 14, 2019 when I filed my Appeal to the LBBCA, the DHNP, the Director Andrew Friedman, The Code Enforcement Administrator, Wells Freed , Marcus Williamson and the staff of DHNP were to have stopped all inspections, attempted inspections, all notices to me, all letters to me, all harassment of me, all threats of me. They were to have continuing paying the landlord and continued with my Housing Choice Voucher participation and my Housing Choice Voucher until there was an Order by the LBBCA, or an Order by the State Technical Review Board issuing a decision, one way or the other. DHNP failed to do this and sent inspectors out to re-inspect my apartment when there was an active Appeal that had not been lifted by any court action or by me. The landlord was to have stopped all retaliatory actions to evict me. Neither the DHNP nor the Landlord were in compliance with the law of Appeal and the Stay of Process or Stay of Proceedings, each was in violation of my Appeal and remain so today. I ask the Board to please note this and advise the DHNP and it's Director on law of Appeals.

As such, if the State Technical Review Board were to remand my appeal to the LBBCA, I am sure that the same parties would devise some other means to either intercept that remand or to frustrate my appeal by “stacking the deck against me” at the LBBCA as there are three DHNP employees on that Board or around that Board.

Therefore, I ask this State Technical Review Board to confirm that I have proven that I have not committed any violations of the Virginia Maintenance Code nor have I committed any violations of the HUD Housing Quality Standards as in two Notices from the DHNP they have cited the same VMC code violations of which both times they included violations of the HQS.

The Ordinance of Virginia Beach states clearly that the HQS is part of the USBC of which the City of Virginia Beach has adopted in total and of which the City of Virginia Beach adheres to in practice and in policy and does not separate the HQS from the VMC code and that on Notices of Violation, the DHNP continues to write: “We have determined that the following corrective action(s) are required to bring this unit in compliance with HUD Housing Quality and VMC standards:

1. Living Room - 605.1 ELECTRICAL COMPONENTS, need access to all outlets, **correct within 21 days-RE-INSPECT-02/15/2019**
2. Kitchen - 305.1 INTERIOR GENERAL, interior very cluttered, **correct within 21 days-RE/INSPECT 02/15/2019**
3. General Health and Safety - 702.1 MEANS OF EGRESS, GENERAL, Windows are completely blocked creating a problem with ingress and egress, **CORRECTED WITHIN SEVEN DAYS-RE-INSPECT 02/01-2019]**”

All of these alleged violations have been proven by me to be totally wrong and were in fact not violations committed by me.

I ask that the State Technical Review Board not remand this Appeal to the Virginia Beach Local Board of Billing Code Appeals, as the DHNP will manipulate the facts once more against me and insert themselves wrongfully in my Appeal.

I ask that the State Technical Review Board decide that my appeal is timely considering the circumstances of misconduct on the part of the Director of the DHNP and of his staff;

I ask that the State Technical Review Board decide that violations did not exist as proven by matter of law of both the USBC Part III VMC codes and HUD HQS;

I ask that the DHNP citation of “Living Room - 605.1 ELECTRICAL COMPONENTS, need access to all outlets, **correct within 21 days-RE-INSPECT-02/15/2019**” be declared to be null and void and proven to not have been a violation of this code as proven by sufficient evidence in my chart;

I ask that the DHNP citation of “General Health and Safety - 702.1 MEANS OF EGRESS, GENERAL, Windows are completely blocked creating a problem with ingress and egress, **CORRECTED WITHIN SEVEN DAYS-RE-INSPECT 02/01-2019]**” be declared to be null and void and proven to not have been a violation of this code as proven by sufficient evidence in my chart;

I ask that the DHNP citation of "Kitchen - 305.1 INTERIOR GENERAL,interior very cluttered, correct within 21 days-RE/INSPECT 02/15/2019" be declared to be null and void and proven to not have been a violation of this code as proven by sufficient evidence in my chart.

I ask that this Board order the decision of the City of Virginia Beach Department of Housing and Neighborhood Preservation that there were code violations committed by me, be overturned in their entirety as there is no supported evidence of any violation of Code or of HQS and as there is more than sufficient evidence to support the indisputable fact that there was no code violations.

I ask that this Board recognize that the City of Virginia Beach Department of Housing and Neighborhood Preservation, it's Director and staff sought to contain my appeal of their erroneous decision of Code violations and of HQS violations, where none existed, by manipulation of my appeal to the LBBCA and manipulation of the code contents and of HUD Housing Quality Standards.

I ask that if the Board cannot address the manipulated HQS alleged violations cited in a letter by Marcus Williamson of the City of Virginia Beach Department of Housing and Neighborhood Preservation, that it order that this part of the DHNP alleged violations be addressed by the Supreme Court of Virginia or by the U.S. Department of Justice as it involves a Federal Agency, its Housing Quality Standards and a municipal City of Virginia Beach Department of Housing and Neighborhood Preservation Director and staff manipulating State Code and Federal rules and regulations and an appeal to a Local Board of Building Code Appeal in an effort to terminate a Housing Choice Voucher participant and a holder of a Housing Choice Voucher from the Housing Choice Voucher Program because I exercised my right to make a complaint about the DHNP to HUD officials, made a Fair Housing Complaint against the City of Virginia Beach Department of Housing and Neighborhood Preservation, made a complaint in the form of an appeal to the LBBCA and this is a Retaliation by the DHNP against me for my exercising my due process and First Amendment rights.

Respectfully submitted

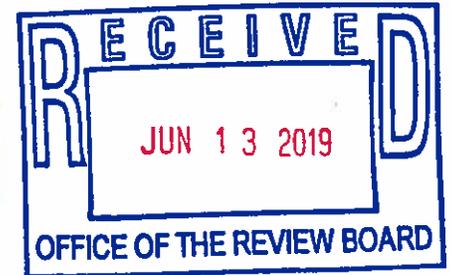
Janett Fisher Pakravan

# Documents Submitted By Janett Pakravan

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June 11, 2019

309 Cedarwood Court  
apartment # 102  
Virginia Beach, Virginia 23454



Commonwealth of Virginia  
Department of Housing and Community Development  
State Building Code Office and Office of the State Building Code Technical Review Board  
Main Street Centre 600 E. Main St Suite 300  
Richmond, VA 23219  
Phone: 804-371-7150  
Email: sbco @dhcd.virginia.gov

Re: Request for an Expedited Administrative Appeal. Request for a Waiver of all fees and costs associated with this Appeal. Request for a Stay of the Actions of all concerned parties in this matter.

Regulation Serving as Basis of Appeal: Uniform Statewide Building Code (USBC) Part III Virginia Maintenance Code (VMC)

Appealing Party: Janett Fisher Pakravan  
309 Cedarwood Court #102  
Virginia Beach, Va 23454  
Phone: 757- 274-9860  
E-mail address: owltree306 @gmail.com

Opposing Parties: Andrew Friedman - Director  
City of Virginia Beach Housing and Neighborhood Preservation  
Municipal Center Bldg 21  
2408 Courthouse Drive Room 144  
Virginia Beach, Va 23456  
385-5752  
afriedma @vbgov.com

Under the direction of Director Andrew Mitchell Friedman, of the Department of Housing and Neighborhood Preservation, the following employees have inserted and have implicated themselves in the DHNP crimes against my adult disabled daughter, Autumn, and myself: Freed, Wells - Housing Code Administrator; Marcus Williamson -Housing Programs Administrator; R. L. ETHERIDGE - Section 8 Housing Inspector; Frank Grice, - Code Inspector II, Code Enforcement Inspector II; Randy Blake, - Code Enforcement Supervisor; Shawnti Todd - Administrative Specialist I; Syreeta McCoy -Housing Specialist; Jill Faustine Rinaldo, DHNP staff, DHNP hearing officer (no law degree), Housing Advisory Board Recording Secretary; Jefferey Ripley - Housing Program Coordinator.

Community Housing Partners  
448 Depot Street NE  
Christiansburg, Va 24073  
phone 540-382-2002  
Fax 540-382-1935

Community Housing Partners owns Lynnhaven Landing Apartments LLC at rental office 352 Fernwood Ct #101, Va. Beach, VA 23454, phone 757-486-4044 and employs Christine “Crissie” Willoughy-Benoit, Property Manager, Agent for CHP and Lynnhaven Landing; and employee Jameer Johns, Assistant Property Manager and Notary Public

Additional Information submitted with this application:

1. Request for Waiver of all fees due to indigence status
2. Request for an Expedited Administrative Appeal
3. Request for a Stay of Proceedings
4. Grounds for Jurisdiction
5. Timely Filing of my Appeal to this Review Board
6. List of Parties to Case
7. Year of Construction
8. Applicable Building and Fire Code
9. Disputed Code Violations
10. Background
11. Summary of Case
12. Statement of Specific Relief Sought
13. Copy of the City of Virginia Beach Department of Housing and Neighborhood Preservation Notice Of Violations being appealed
14. Copy of Va Beach Zoning Department Standard Property Record #14977825140000
15. Copy of March 8, 2019 Letter from Marcus Williamson at DHNP
16. Copy of Informal Hearing Letter\_tenant J.P..pdf from DHNP

Certificate of Service

I hereby certify that on day of June, 2019, a complete copy of this application, including the additional information required above was either mailed, hand delivered, emailed or sent by facsimile to the Office of the State Technical Review Board and to all opposing parties listed.

Note: this application must be received by the Office of the State Technical Review Board within five (5) working days of the date on the above certificate of service for that date to be considered as the filing date of the appeal. If not received within five (5) working days, the date of this application is actually received by the Office of the Review Board will be considered to be the filing date.

**REQUEST TO PROCEED IN THE STATE BUILDING CODE TECHNICAL REVIEW BOARD APPEAL  
WITHOUT PAYING FEES OR COSTS**

I, Janett Fisher Pakravan, am the Petitioner /Appellant in this case and declare that I am unable to pay for costs of these proceedings and that I am entitled to relief requested in accordance with the First and Fourteenth Amendment of the U. S, Constitution and Sections 1, 7, 11, 12 and 15 of the Constitution of Virginia.

In support of this request for a waiver of all fees and costs, I provide the following statements:

I am 75 years of age, physically disabled with the major diseases of Cystic Fibrosis, severe Osteoarthritis to the point where I have to use a cane in order to ambulate and Congestive Heart Failure Stage 2, which places me in the A.D.A. class of protected persons. I am not employed at any position. I totally support my adult disabled daughter and myself with my Social Security income.

The U.S. Government Agency of The Housing and Urban Development (HUD), has declared by their acceptance of the financial eligibility of me for the past seven years of assisted rental housing support, that according to the Federal Poverty Levels, I fall far below the poverty line, thus proving my financial insolvency.

The Health and Human Services 2019 Annual Poverty Guidelines for all 48 Contiguous States and D.C. have established that for a two persons household the 100% below poverty level is \$16,910 and the 133% poverty level is \$22,490, with the directive to add \$4,320 for each person over the age of 8 years. My daughter and I are over each over the age of 8 years. Thus the 100% below poverty level for a two adult person household is \$21,230 and the 133% poverty level for a two adult persons household is \$26,810.00.

My income is derived from my Social Security Administration Monthly Benefits which are directly deposited into a checking account for my use and are not assets, but is the source and resource of my income. Those benefits are \$1,195 per month minus Medicare premium payments of \$138 per month, which leaves me with a monthly income of \$1,057 and a yearly income of \$14,340 to use as total income to support two handicapped adults. I am below the 133% poverty level and do not foresee that changing in my lifetime, unless a miracle happens.

Prior to April 30, 2019, I had a HUD Housing Choice Voucher (HCV) for assisted rental payments under the HUD Section 8 Program, without any utility payment. The Virginia Beach Department of Housing and Neighborhood Preservation (DHNP) terminated my Housing Choice Voucher and my participation in the HUD Section 8 Program permanently on April 30, 2019 as a direct result of their unlawful use of the non-applicable building code; their alleged VMC code and HQS violations; their interception, tampering with, alteration of and blocking of my appeal to the LBBCA; and their secret ex parte hearing without any laws, protocol, or lawyer, attended by the owner of Lynnhaven Landings, leaving my daughter and I unable to secure housing anywhere at any time and without funds to rent any other housing anywhere. Andrew Mitchell Friedman and the DHNP have unlawfully and constructively rendered us homeless.

I have no other source of income.

Electronically Signed **Janett F Pakravan**  
Janett Fisher Pakravan

**REQUEST FOR AN EXPEDITED APPEAL  
TO THE STATE BUILDING CODE TECHNICAL REVIEW BOARD**

I, Janett Fisher Pakravan, am requesting that the State Building Code Technical Review Board expedite this Appeal for the following emergency reasons:

The Virginia Beach Department of Housing and Neighborhood Preservation (DHNP) on January 25, 2019, intentionally used the non-applicable building code of the USBC part III VMC, which also embedded the HUD Housing Quality Standards (HQS) to inspect my apartment unit in the 1972 constructed Lynnhaven Landing Apartments, Virginia Beach, Virginia. The DHNP intentionally violated The U.S. Constitution, the Virginia Constitution, Federal and State laws along with the City of Virginia Beach Municipal Ordinances of my protected rights which has resulted in the following emergency situation for my adult disabled daughter and myself at age 75 and disabled:

17. The unlawful termination of my Housing Choice Voucher, leaving me without funds to rent any dwelling unit, and forcing my disabled daughter and myself into homelessness through lawlessness of the DHNP and it's Director. They did this on April 30, 2019.
18. The unlawful termination of me from the HUD Housing Choice Voucher Program -permanently - which ensures that with this on my rental records I could not even hope that anyone would rent to me at any time, any sort of dwelling. They did this on April 30, 2019.
19. The landlord, Community Housing Partners Corporation and its subsidiary, Lynnhaven Landing Apartments, unlawful issuing of a self-eviction notice on February 6, 2010 that I had 21 days to repair the problem or move within 30 days, basing their decision on the results of the DHNP's inspection of my apartment unit and their unlawful alleged violations they cited;
20. The landlord notifying me on March 25, 2019 of a non-renewal of lease without any reason cited
21. The Landlord's issuance of a notice of April 30, 2019 of a 5 Day Material Noncompliance Notice Failure to Pay Rent or be evicted. My rent was paid in full on April 4, 2019, the landlord cashed my rental check on April 10, 2019 without reservation. The landlord is trying to extort the HAP portion of rent that the DHNP is supposed to pay and paid for April. My rental lease goes to August 7, 2019 when the landlord, my daughter and I signed the 2018 to 2019 lease;
22. The landlord's issuance of May 8,2019 of a of a 5 Day Material Noncompliance Notice Failure to Pay Rent or be evicted. I paid the May rent on May 5 and the landlord cashed the rental check without reservation on May 8, 2019 the same day she sent this unlawful notice to me
23. The landlord filed an Unlawful Detainer on April 16 and the court date is Wednesday June 12, 2019 where I have to fight to preserve my home from the unlawfulness of the DHNP and its director and staff and the following of the landlord.

All of these unlawful actions have left me permanently to not be able to rent anywhere at any time; with extraordinary stress for the past six months. My request for an expedited hearing is to stay and overturn, these unlawful actions by the DHNP in order to prevent the constructively forced homelessness of two disabled persons, my adult disabled daughter and myself, elderly at age 75 and to do so before June 1, 2019. Thus I ask for an emergency meeting of the Board to hear my appeal as soon as possible.

Respectfully submitted

Electronically Signed **Janett J Pakravan**

### **REQUEST FOR A STAY OF PROCEEDINGS**

In most stances, the law is silent and there is no Stay unless one of the parties actively seeks it. As the state recognizes the State Building Code Technical Review Board to be similar to an Appellant Circuit Court, a request for a Stay of Proceedings of the Defendants' Actions while this appeal is pending is usually granted with or without a bond or other security required. If there is such bond or security required by the board, then I ask the Board to waive the fees and costs for this security as I am indigent, cannot afford to give security, but am entitled to such a Stay based on this exceptional case.

Thus I, the Petitioner, Janett Fisher Pakravan, ask this Administrative Hearing Review Board, to grant to me a Stay of all Proceedings enacted against my daughter and myself by the Virginia Beach Department of Housing and Neighborhood Preservation (DHNP) and by the Housing Provider, Lynnhaven Landing apartments.

Lynnhaven Landing apartments is where my daughter and I reside. Lynnhaven Landing apartments reacted aggressively and retaliatory to the unlawful actions of the DHNP, believing them to be correct in the use of the VMC housing code to inspect my apartment, and has gone to court against my daughter and I after serving us with three unlawful self evictions and has filed an Unlawful Detainer against us with a court date of Wednesday June 12, 2019. They want possession of this apartment in 72 hours of the court date. The landlord and property manager at Lynnhaven Landing knows the year of construction of this apartment building to be 1972 and that the only building code to be used to inspect this apartment is the Virginia Public Building Safety Regulations (VPBSR). Lynnhaven Landing remained silent and failed to contact the DHNP Director, Andrew Friedman, to tell him that the DHNP is wrong to charge us with violations. Lynnhaven Landing Apartments has acted in complicity with the DHNP to illegally and unlawfully, constructively evict us, knowingly using the non-applicable code.

Lynnhaven Landing apartments is located at 352 Fernwood Court #101, Virginia Beach, Virginia 23454, Phone (757) 486-4044, Lynnhaven Landing, In the person of the Property Manager and Agent, Crissie Willoughy-Beoit, has relied upon the written words of the DHNP stating that my apartment after, seven (7) years of passing inspections, has all of a sudden failed inspection, when the DHNP knew that to be a known false and fraudulent statement and an unlawful action. Instead of telling the DHNP the year of construction of this apartment building and that the inspector was wrong in his use of codes, she remained silent and let the unlawful actions of the DHNP happen to us and then took aggressive actions to self evict and now in two days we could be homeless all because of one inspector illegally using the wrong codes and other events that had strained the believability that this action could happen.

Lynnhaven Landing is saying that I must pay the DHNP's portion of the rental Housing assistance amount, even though there is a contract which Lynnhaven Landing signed on or about August 7, 2018 wherein I am to pay \$271 a month for my share of the rental payments. I paid my rent in full for April on April 4, my rental check was cashed on April 10, 2019 by the landlord without reservation; I paid my may rent in full on May 5, the landlord accepted my rental check and cashed it on May 8, 2019 without reservation. I paid my June rent on June 4, 2019, so I am not in breach of the lease, nor have I failed to pay rent and that is what she is charging my daughter and I for. DHNP terminated on April 30, 2019 my Housing Choice Voucher and should have paid their portion of the April rent. On April 30, 2019 I filed a Fair Housing Complaint against Lynnhaven Landing and notified Lynnhaven Landing that I had done so, which was my lawful duty to do so. That is the date that Lynnhaven Landing, 25 days after they had accepted my rent without reservation and without any problems, issued the first of several seal-evictions against my daughter and myself. They have build their Unlawful Detainer upon the notice of violations by the DHNP which is not legal. My daughter and I are deserving of due process and equal protection against this onslaught of illegalities of the DHNP and of Lynnhaven Landing as we are in the right and not the DHNP nor Lynnhaven Landing.

To not issue a Stay of all Proceedings against the DHP and Lynnhaven Landing will directly cause irreparable loss of substantial guaranteed due process and equal protection rights and where the DHNP's false and fraudulent NOV, which has unlawfully caused the termination of my Housing Choice Voucher and termination of my participation in the Housing Choice Voucher Program, and where Lynnhaven Landings, housing provider, has caused unlawful self evictions and an unlawful eviction hearing on this Wednesday in the Virginia Beach General District Court, Case no GV19014997-00, has a potential effect of permanently foreclosing relief on a claim with severe repercussions of enforced homelessness of two disabled adult females, without any statutory evidence to do so, and in violation of our constitutional rights; our protected rights as disabled persons and of one elderly person; all in violation of our U.S. Constitutional and Virginia Constitutional rights, privileges and immunities, and of our Federal, State, and municipal laws, statutes and ordinances.

Virginia Beach General District Court is located at 2425 Nimmo Parkway Virginia Beach, Virginia 23454. The Contact person at that court is Ms. Angel M. Williams, Assistant Manager Civil Division, Virginia Beach

General District Court, 2425 Nimmo Parkway, Virginia Beach, VA 23456, Phone (757) 385-5813 Fax: (757)385-5682, email: amwilliams @vacourts.gov. The case is: CASE NO. GV19014997-00, Lynnhaven Landing, 352 Fernwood Court #101, Virginia Beach, Virginia 23454, Phone (757) 486-4044, versus Janett Pakravan, & Autumn Pakravan, 309 Cedarwood Court #102, Virginia Beach, Virginia 23454. Hearing Date: Wednesday, June 12, 2019 at 8:30 am.

Please issue a Stay of all Proceedings and alert the General District Court immediately that there is a Stay of All Proceedings while my Appeal to this Review Board is under review so that the Court will stop this lawless and unwarranted Unlawful Detainer and Immediate possession.

I, certify that a Stay of Proceedings, while this Appeal is Pending, is not presented to harass, cause unnecessary delay, and is warranted by existing laws and my arguments are with substantial evidentiary support (FRCP Rule 11). The granting of this Stay of all Proceedings will not cause imminent peril to life or property nor hardship or heavy costs to the DHNP or Lynnhaven Landing

The cited alleged code violations have long reaching negative effects for my family which termination of my Housing Choice Voucher and termination of me from the Housing Choice Voucher Program, has caused a deficit in monies so that I will not be able to pay rent anywhere; the terminations has cause a severe effect on my rental credit rating so that even if I had the money, no one would rent to me. These violations have incited the landlord to act aggressively to evict my daughter and I from our apartment that we have live in for the past seven (7) years with passed inspections and has by the landlord's intentional failure to stand up for their own apartment building and their HAP contract with The City of Virginia Beach, caused the landlord to take retaliatory unlawful actions against us, the victims of the DHNP and now of the landlord. The proceedings of the Unlawful Detainer filed by the landlord, if they win, will cause my disabled adult daughter and myself, disabled at 75 years of age to become homeless without any means of renting any type of dwelling. This will have been caused in total by the City of Virginia Beach and the Department of Housing and Neighborhood Preservation.

The Director, Andrew Mitchell Friedman, of DHNP and his staff have perpetrated intentional denial of my Federal and State Constitutional rights, document fraud, falsified records, fraudulent misconduct, Breach of Privacy, obstruction of filing an Appeal, etc., and only by a Stay of all actions of the DHNP, will I have a chance at having justice prevail in this matter. The landlord has entered into complicity with the DHNP in that they have now denied my federal and Constitutional rights, committed document fraud and fraudulent misconduct.

A Stay of Proceedings in this case would not interfere with enforcement of the VMC because the VCM is not the applicable building code for my dwelling unit which was constructed in 1972. The correct building code is the Virginia Public Building Safety Regulations building and fire code established for buildings built before September 1, 1973. Thus the alleged violations cited are null and void for the reason of the inspector intentionally inspected my dwelling unit using the non-applicable code; the DHNP has supported his actions by the use of threats, coercion, intimidation, and adamant advocacy for this inspector to have used the VMC on this mutlifamily residential dwelling unit, to fail my apartment and to have me evicted me from my rental home without a shred of statutory evidence. They did this in retaliation of my reporting them to HUD for violations of my rights.

A Stay of Proceedings issued by this Review Board will prevent the unlawful actions of the Virginia Beach Housing and Neighborhood Preservation and the Lynnhaven Landing apartments from furthering their economic, elder and disabled person abuse of me and of my daughter. It will stop the illegal actions of the housing provider, Lynnhaven Landing from her serial self evictions and her Unlawful Detainer when she was paid rent, accepted rent without reservation and sought

to collect the DHNP's portion of rent from me, which is extortion.

Respectfully submitted,

Electronically Signed **Janett J Pakravan**

GROUNDS FOR JURISDICTION BY  
THE STATE BUILDING CODE TECHNICAL REVIEW BOARD

I must timely raise the issue of jurisdiction in this matter due to the fact that The Code of Va §36-105 states, "No Appeal to the State Building Code Technical Review Board shall lie prior to a final determination by the local board of Building Code appeals."

"Standing to maintain an action is a preliminary jurisdictional issue having no relation to

the substantive merits of an action." *Andrews v. Am. Health & Life Ins. Co.*, 236 Va. 221, 226, 372 S.E.2d 399, 402 (1988). "The point of standing is to ensure that a person who asserts a position has a substantial legal right to do so and that his rights will be affected by the disposition of the case." *Grisso v. Nolen*, 262 Va. 688, 693, 554 S.E.2d 91, 94 (2001). The doctrine requires that a litigant have a "sufficient interest in the subject matter of the case so that the parties will be actual adversaries and the issues will be fully and faithfully developed." *Cupp v. Board of Supervisors*, 227 Va. 580, 589, 318 S.E.2d 407, 411 (1984).

I am now aware of the fact that when a notice of violation is issued by a code inspector, the tenant is given a period in which to cure the deficiency. However, in this case, on January 25, 2019 when the code enforcement inspector inspected my apartment unit, there were no deficiencies to cure as he used the inappropriate building maintenance and fire code for the 1972 constructed apartment building which houses my apartment unit. For the past 7 years of annual inspections, my apartment passed inspection after inspection.

The Virginians with Disabilities Act (VDA) (VA. Code §51.5-1 et seq.) requires all to provide in a comprehensive and coordinated manner that makes the best use of available resources, those services necessary to assure equal opportunity to persons with disabilities in the Commonwealth. My daughter and I are disabled and both of us have been disabled from birth with Cystic Fibrosis and heart disease.

Substantial Evidence will support my argument that this case was brought in an appropriate forum and that there must be a consideration of and a waiver of the requirements of Code of VA §36-105 in order to prevent a miscarriage of justice and denial of Constitutional rights as there is a direct causal link between the defendants' unlawful criminal actions and the absence of a final determination by the LBBCA prior to my filing my appeal in this forum.

When any question of fact or liability is wrongfully and conclusively presumed against my daughter and myself, as has been the case with the Virginia Beach Department of Housing and Neighborhood Preservation (DHNP), and the housing provider of Community Housing Partners and their Lynnhaven Landing apartments, without benefit of my having an avenue in which to address the facts, then there is no due process of law for us. Due process of law implies the right of the person affected thereby to be present before the tribunal, which pronounces judgement upon the question of property in its most comprehensive sense, to be heard by testimony, or otherwise to have the right of controverting by proof, every material fact which bears on the question of right in the matter involved.

Constitutional liberty or freedom means that such freedom as is enjoyed by the citizens of a country or state under the protection of the Constitution. This aggregate of those personal, civil, and political rights of the individual which are guaranteed by the Constitution are secured against invasion by the government or any of its agencies. The Virginia Beach Department of Housing and Neighborhood Preservation has invaded and denied to me the rights and privileges guaranteed to me by the U.S. Constitution.

It is deemed that a Housing Choice Voucher becomes the individual property of the HCV participant. The illegal and unlawful deprivation of that property without due process of law is a violation of Amendment V of the U.S. Constitution.

Amendment I of The United States Constitution does not allow Congress, individual states, municipalities, agencies, departments, divisions, or persons to make any law that prohibits the free exercise thereof, or abridging the freedom of speech, or the right of the people to peaceably assemble, and to petition the Government for a redress of grievances. Amendment V of The United States Constitution states that no person shall be deprived of property, without **due process of law**. Amendment XIV of The United States Constitution mandates that no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of property, without **due process of law**; nor deny to any person

within its jurisdiction the equal protection of the laws. In this case, my “property” is the HUD Housing Choice Voucher and the Housing Choice Voucher Program participation of my daughter and myself in it. Amendment XVI Section 1 of the United States Constitution provides for, and protects, Procedural Fairness; Due Process of law; Equal Protection of the Law.

Mr. Chief Justice Hughes (*Sterling v Constantin* 287 U.S. At 397) stated, “There is no avenue of escape from the paramount authority of the Federal Constitution. When there is substantial showing that the exertion of state power has overridden private rights secured by that Constitution, the subject is necessarily one for judicial inquiry in an appropriate proceeding directed against the individuals charged with the transgression”.

The Constitution of Virginia and its Declaration of Rights is the basis and foundation of government for citizens of the Commonwealth of Virginia. It defines those rights and clarifies it by Sections. Section 1 declares that all men are equally free, have certain inherent rights, that no one can deprive another of property; Section 7. declares that laws should not be suspended and that when the power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised; Section 8-A. declares that the Rights of victims of crime have the right to protection from further harm or reprisal of the victimizer; Section 9. declares that the General Assembly shall not pass any ex post facto law which would include that the DHP should not pass any ex post facto law that would abridge my rights to address grievances, to be heard, to present evidence; Section 10 states that general warrants of search are prohibited and whereby an officer or messenger may be commanded to search suspected places without evidence of fact committed, or those of whom their offense is not supported by evidence, are grievous and oppressive, and ought not to be granted; Section 11. Due process of law; the right to be free from any governmental discrimination upon the basis of religious conviction, race, color, sex, or national origin shall not be abridged; Section 12. declares that freedom of speech and the right to petition the government for redress of grievances shall not ever be restrained and that individuals may freely speak and write their sentiments on all subjects without suppression of them by despotic governments.

The Substantive Due Process Doctrine states that the due process clauses of the Fifth and Fourteenth Amendments of the United States Constitution requires judicial, including Formal Hearing actions, to be fair and reasonable in content as well as in application. The Substantive Due Process Doctrine is the constitutional guarantee that no person shall be arbitrarily deprived of his property without due process of law. The essence of substantive due process is protection from arbitrary and unreasonable government action such as a denial of my rights to a formal hearing at the LBBCA and denial of my property of my Housing Choice Voucher.

The U.S. Supreme Court stated that the 14<sup>th</sup> Amendment incorporates protection of the Bill of Rights which has become binding on State government as well as on Federal Government. The Bill of Rights are the first 10 Amendments. Andrew Friedman and his DHNP staff sought to suppress my 14<sup>th</sup> Amendment rights to file an appeal against their unlawful and intentional use of the non-applicable building code in which to inspect my apartment and to intentionally fail it.

Virginia Code of 18 VAC §15-40-140 has Conflict of Interest law which the DHNP, Director Andrew Friedman, Marcus Williamson, and Wells Freed have inflicted upon this case and in so doing, denied to me my constitutional rights and privileges, along with Federal, State, and municipal laws and statutes.

It is the Constitutional Right of all persons to have access to a system of checks and balances wherein their rights are not superceded or suppressed by the actions of one. DHNP has incited and facilitated abuse of power and corruption by their housing inspectors because they are providing the inspector with total autonomy over citizens and their property in Virginia Beach, and in this case, the DHNP has abused its power and authority, its ethics in the oath they took before HUD as a government recipient of Housing Block Grants, and has denied to me all of my rights.

Andrew Mitchell Friedman, Director of the DHNP, the DHNP and it's staff, have, with intention, planning, and conspiracy amongst themselves, have violated the above guaranteed rights and privileges of the United States Constitution and of the Virginia Constitution that are guaranteed to my daughter, Autumn Pakravan and to myself, Janett Fisher Pakravan. As such, these entities have Obstructed the filing of a legal action of a formal Appeal to the Local Building Board Code of Appeals and justice for my daughter and myself.

Andrew Friedman, DHNP, Marcus Wiliamson and Wells Free violated 42 U.S.C. §12101. The Americans with Disabilities Act of 1990 , Section 2 Findings and Purposes of Congress, that outright intentional exclusion of access, purposeful unequal treatment, relegated to a position of political powerlessness in our society, based on characteristics that are beyond the control of such individuals and resulting from stereotypic assumptions not truly indicative of the individual ability of such individuals to participate in, and contribute to society.

Andrew Mitchell Friedman, Director of the DHNP and Marcus Williamson, DHNP's Housing Programs Administrator, contrived and schemed in conspiracy and intentionally intercepted my appeal to the Local Building Board Code of Appeals (LBBCA), appropriated it as their own, tampered with it, altered it, stripped it of its code section numbers, leaving the written content of the VMC alleged code violations, inserting additional alleged violations against me, and ordered me to comply or lose my Housing Choice Voucher and my participation in the HUD Housing Choice Voucher Program. They impersonated a member(s) of the LBBCA, issued an order on it, denying my appeal. The City of Virginia Beach, its DHNP, it's Director and Housing Programs Administrator, along with its Code Administrator, Wells Freedm who was copied on this action, intentionally enacted multiple crimes against me and in so doing, deprived me of my due process rights. A Summary Judgement without substantial evidentiary statutory evidence to support or to sustain the judgement , without the right of the accused to present substantial statutory evidence to the contrary, is clearly defined as deprivation of due process and of other Constitutional rights and privileges guaranteed to me.

A case is moot if the relief requested by a litigant can no longer be granted, rendering any determination by a court merely advisory. In describing the Mootness Doctrine, the Supreme Court has observed, "[w]henver it appears . . . that there is no actual controversy between the litigants, or that, if it once existed it has ceased to do so, it is the duty of every judicial tribunal not to proceed to the formal determination of the apparent controversy, but to dismiss the case." *McCarthy Holdings LLC v. Burgher*, 282 Va. 267, 275, 716 S.E.2d 461, 465 (2011) (quoting *Hankins v. Town of Virginia Beach*, 182 Va. 642, 643, 29 S.E.2d 831, 832 (1944)).

Marcus Williamson, Andrew Friedman and Wells Freed stripped the VMC section code numbers off of the violation codes used by the inspector to cite violations against me and of which I filed my appeal to oppose those violations with VMC section code numbers and content. By their stripping of the VMC code section numbers, they intentionally made my appeal, moot and unable to be addressed by any review board. They desired to keep their crimes contained within the DHNP and not allow me to present to anyone the truth of what violations of law they did against me. They then reinserted the VMC section code numbers and used them to fail my apartment while using the stripped contents of the VMC section code numbers to charge me with violations of the Housing Quality Standards of HUD.

The Virginia Beach Building Maintenance Code, The Uniform Statewide Building Code, and Part III of the USBC, the Virginia Maintenance Code all defer to the building and fire code that was enacted at the time of the construction of the building. The City of Virginia Beach Sec. 16-1. (Code 1965, § 819-2; Ord. No. 1652, 10-27-86; Ord. No. 1922, 10-2-89) establishes the Va. Beach Building Maintenance Code; In 1981, The City of Virginia Beach under Section 8-26 of The Code adopted the USBC (VMC) building Code. By the city's use of these codes, the city has stated that their quality of standards is exceedingly high and thus for the past seven (7) years has embedded the HQS into their VMC codes which is allowed by the U.S. Department of Housing and Urban Development (HUD) according to CFR§982.401(a)(4)(i) in addition to meeting HQS performance requirements, the housing must meet the acceptability criteria stated in this section, unless variations are

approved by HUD; (ii) HUD may approve acceptability criteria variations for the following purposes; (A) Variations which apply standards in local housing codes or other codes adopted by the PHA; (iii) Acceptability criteria variations may only be approved by HUD pursuant to paragraph (a)(4)(ii) of this section if such variations (A) either meet or exceed the performance requirements.

Thus proving that Andrew Friedman and Marcus Williamson are familiar enough with the law, to manipulate it in order to fit it to their unlawful demands, to abuse their authority and make a new law in order to deny constitutional rights to my daughter and to myself. I was extremely shocked to see what measures the DHNP and Friedman would go to in order to construct an outcome they wanted - an outcome based in and created by criminal activities they undertook and have kept.

In addition, the conspirators are continuing to obstruct legal process (18 U.S.C. A §1501 et seq) and have caused immense needless suffering, fear, and terror to two disabled adult women and also to me as an elderly female. It is abuse of the elderly, the disabled, and of women

Parties proceeded against have the right to be heard, Andrew Friedman, the DHNP, Marcus Williamson and Wells Freed denied my right to be heard by their intentional interception of my formal appeal to the LBBCA and did so in violation of 5 U.S.C.A §5,

Obstruction of Filing an Action allows for Tolling of the Statute of Limitations, pursuant to VA Code §8.01-229 (D)(ii). Andrew Friedman, the DHNP and its staff obstructed my filing of an appeal to the LBBCA and thus the Statute of Limitations is tolled for this Review Board.

WKTR interviewed Andrew Friedman about a grant from VB Home Now to help local families and individuals experiencing homelessness or a housing crisis. "Upfront costs like application fees and rental or utility security deposits can be barriers to housing," said Andrew Friedman, director of Housing and Neighborhood Preservation. "For households that are living paycheck to paycheck, one crisis, such as a family breakup, loss of employment, or serious illness, can snowball into a series of other issues and lead to homelessness. The VB Home Now grant will enhance our efforts to help families and individuals get out of homelessness by easing these financial challenges, and assist those who are at-risk early on in their crisis before they become homeless."

The Virginian-Pilot Oct. 17, 2016 interviewed Friedman about the Housing Resource Center, "As Friedman noted, the idea is to make homelessness "rare, brief and non-recurring." As Andrew Friedman is constantly moving the homeless away from the Oceanfront, establishing homeless shelters "resource centers" for the homeless, acting concerned for the homeless, why is he then constructively with criminal intent, forcing my daughter and myself into homelessness?

When it has been shown over and over that the DHNP has refused to abide by law, has intercepted, appropriated and tampered with my appeal to the LBCCA; when they refuse to acquire the Certificate of Occupancy from so many different sources and to use it; when the LBBCA is swamped with persons from the DHNP; when Friedman refuses to speak with a Master Code Expert; when the housing providers refuse to help but use the non applicable building code and the exact citations of Code the Grice use and issues a self eviction notice followed by a non-renewal of the lease, when the Local Building Board Code of Appeals has Director Andrew Friedman and Wells Freed seating on it as City Liaisons with DHNP inspectors serving as secretaries to the LBBCA board, it is quite clear that I will never get justice here and I will be blocked at every turn. I have to seek redress elsewhere, through no fault of my own but by a corrupt DHNP. There is no other way to explain the DHNP actions against me.

The State Building Code Technical Review Board has jurisdiction over my Appeal, to hear it, and to decide upon it and not to remand it back to the LBBCA as any appeal to the LBBCA by me will be blocked or intercepted some way by Andrew Friedman and his DHNP.

I further ask that this Review Board hear this Appeal without Oral Argument as there is nothing the defendants can argue of which is supported by their own communications to me and the laws they have broken.

Respectfully submitted,

Electronically Signed **Janett F Pakravan**

#### **TIMELY FILING OF MY APPEAL TO THIS REVIEW BOARD**

I, Janett Fisher Pakravan, declare that I have timely filed my Appeal to this Review Board.

The unlawful and illegal actions of Andrew Mitchell Friedman, Director of the City of Virginia Beach Department of Housing and Neighborhood Preservation (DHNP), which is the de facto Public Housing Authority (PHA), and of members of his staff at the Department of Housing and Neighborhood Preservation are ongoing, as is the criminal actions of the housing provider. Lynnhaven Landing.

Equitable tolling of the statute applies principally if the plaintiff is prevented in some extraordinary way from

asserting his or her rights. Director Andrew Friedman and his employee, Marcus Williamson, deliberately intercepted and appropriated my formal Appeal to the Local Building Board of Code Appeals. They then proceeded to tamper with it, to alter it, to strip it of the code numbered sections, to reduce my appeal to one single item that I did not state, and they then had Marcus Williamson write a letter to me dated May 8, 2019 wherein he told me essentially that they had intercepted my appeal to LBBCA, took it, changed it, stripped the code number off of it which left it moot where I could not appeal anywhere. When I did not respond to them, they put the code back on held an ex parte ‘informal hearing’ that they knew I did not ask for, allowed an employee, Jill Rinaldo, to act as informal hearing officer, when she does not have a law degree, nor was she appointed by the Executive officer of the Secretary to be an informal hearing officer, she stated she had read the files on me at the DHNP and agreed with them that I should be terminated from my Housing Choice Voucher and from my participation in the Housing Choice Voucher. She yelled at me that I had “squandered” their time by not showing up nor calling in to let them know I would not be coming. I had sent two emails to the DHNP to tell them that I had not asked for their hearing after they stole my appeal, that I did not trust them and that I would appeal their decision elsewhere. Andrew Mitchell Friedman admitted to a lawyer that he knew I had not asked him for a hearing but he had set it up anyway.

I could not assert my rights due to their interception of my appeal and when they held an ex parte hearing. Equitable tolling is a judge-made doctrine which operates independently of the literal wording of the Code of Civil Procedure to suspend or extend a statute of limitations as necessary to ensure fundamental practicality and fairness. Thus Equitable tolling is justified in this case.

There has been obstruction of legal process (18 U.S.C. A §1501 et seq) by the defendants which tolls the statute of limitations. The Statute of limitation is tolled when there is an obstruction of the filing of a legal action (VA Code §8.01-229 (D)(ii)). Andrew Friedman and Marcus Williamson obstructed legal process for me when they obstructed my filing of an appeal to the LBBCA, changed the wording of my appeal, stripped it of the code section numbers and informed me that since the alleged violations no longer had code section numbers on them, then I could not file anywhere but still had to comply with HUD’s Housing Quality Standards.

Thus I have filed my Appeal to this Board in a Timely fashion.

Respectfully submitted,

Electronically Signed **Janett J Pakravan**

**LIST OF PARTIES TO THIS CASE**

Appellant: Janett Pakravan  
Address of Appellant: 309 Cedarwood Court, Apartment 102, Virginia Beach, Virginia 23454. Email: owltree306@gmail.com

Appellant: Autumn Pakravan  
Address of Appellant: 309 Cedarwood Court, Apartment 102, Virginia Beach, Virginia 23454. Email: owltree306@gmail.com

Appellee 1: The City of Virginia Beach Virginia, City Manager David L. Hansen, the Executive and

Appellees address: Administrative Head of the City of Virginia Beach Government  
City of Virginia Beach Office of the City Manager, 2401 Courthouse Drive, Virginia Beach, Va 23456 phone: 757-385-4581

Appellee 2: Director Andrew Mitchell Friedman of the City of Virginia Beach Department of Housing and Neighborhood Preservation, et al  
Appellees address: The City of Virginia Beach Department of Housing and Neighborhood Preservation. Municipal Center Bldg 21 , 2408 Courthouse Drive Room 144, Virginia Beach, Va 23456, phone 757-385-5752. email afriedma @vb.gov.com

**Note:** Mr. Andrew Mitchell Friedman, Director of the City of Virginia Beach Department of Housing and Neighborhood Preservation (DHNP), is the representative of the other defendants in this case who are all employees of the DHNP, and who were all participants in the unlawful situations that came out of the DHNP. They are namely:

24. Warnette C. Cason Housing Specialist III
  - a. Phone 757-385-5756; email wccason @vb.gov.com
25. Patricia Crawford, MPA Section 8 Division, Rental Housing Division Housing Programs Coordinator FSS Coordinator,
  - a. Phone 757-385-5767; email pcrawford @vb.gov.com
26. Syreeta McCoy Housing Specialist,
  - a. Phone 757-385-5747; Smccoy @vb.gov.com
27. Shawnti Todd Administrative Specialist I,
  - a. Phone 757-385-5732; Email HCV Inspections @VBGov.COM
28. R. L. Etheridge Section 8 Housing Inspector,
  - a. Phone Direct (757) 385-8361; Phone Mobile (757) 617-6563 email: Retherid @vb.gov.com
29. Frank Grice Code Enforcement Inspector II,
  - a. Phone 757-385-5014
30. Randy Blake Code Enforcement Supervisor,
  - a. Phone (757) 385-1276; email rblake @vb.gov.com
31. Marcus Williamson Housing Program Administrator
  - a. Phone: (757) 385-5745. marwilli @vb.gov.com 2424 Courthouse Drive, Bldg. 18A, Virginia Beach, VA 23456, Phone: (757) 385-5745; marwilli @vb.gov.com
32. A. Wells Freed Code Enforcement Administrator
  - a. Phone: (757) 385-5722; Fax: (757) 385-5694; Email: wfreed @vb.gov.com
33. Jeffrey Ripley Unknown title:
34. And any other person(s) involved in my case under my name or my daughter, Autumn Pakravan's name and/or our Housing Choice Voucher, leasing Control Number HTB-09-029-02, whether disclosed to me or undisclosed at DHNP or who have been acting on behalf of and/or in concert with DHNP

Appellee 3: Lynnhaven Landing Apartments / Community Housing Partners, Property Manager/  
Agent, Chrissie Willoughby-Benoit  
Appellees address: 352 Fernwood Court #101, Virginia Beach, Virginia 23454, Phone(757) 486-4044

Appellee 3 has a current Fair Housing Act Complaint filed against them by the Appellants and are currently under investigation by the U.S. Department of Housing and Urban Development.

Christina a.k.a. Crissie Willoughby-Benoit is the Property Manager/Agent for Community Housing Partners Lynnhaven Landing Property in Virginia Beach. As such, she is the representative of the other defendants in this case who are all employees of the property whose office is located at 352 Fernwood Court, #101, Virginia

Beach, Virginia 23454, and who were all participants in the unlawful situations that came out of the Owner/Agent's unlawful actions in response to the DHNP's unlawful code violations against the Appellants. They are namely:

35. Nona Hipp, Regional Property Manager, formerly Vice Present of Housing Management
  - a. 352 Fernwood Court #101, Virginia Beach, Virginia 23454, Phone(757) 486-4044 direct phone no (757) 425-6231,
36. Lynnhaven Landing Apartments 352 Fernwood Court #101, Virginia Beach, Virginia 23454, Phone(757) 486-4044
  - a. Jameer Rajace Johns, Assistant Property Manager
  - b. Thomas Benson, Head of Maintenance:
  - c. Tay, Maintenance Employee:

#### **YEAR OF CONSTRUCTION of 309 CEDARWOOD COURT:**

Mr. Ernesto Moreno, CZA, a Certified Zoning Administrator, at The City of Virginia Beach, Planning & Community Development Zoning Office at 2405 Courthouse Drive, Municipal Center Building 2 Virginia Beach, VA 23456, phone 757-385-8074 replied to my inquiry as to the year of Construction of Lynnhaven Landing a multifamily residence apartment building where my daughter and I reside. He sent a copy of the City of Virginia Beach Zoning Property Record Card to me which showed that Lynnhaven Landing apartments was built in 1972 and the zoning parcel at that time was zoned the Multiple -Family Residence District (R-M). The record showed: Certificate of Occupancy Number14977825140000, Ownership Virginia Mountain Housing Inc (Aphis), Neighborhood Zoning:18, ID: C, Use: Apartment Year Constructed: 1972 Effective Year: 1972. Name change of Virginia Mountain Housing Inc to Community Housing Partners Corporation, the owner of Lynnhaven Landing LLC (Corporation Commission states it is a fictitious name).

#### **APPLICABLE BUILDING AND FIRE CODE:**

The Apartment complex that I live in of Lynnhaven Landing apartments was built in 1972 as a multifamily complex and has continued to be such until and including present day. As such, the building maintenance code for this building is **the Virginia Public Building Safety Regulations (VPBSR)** Building Code which was also the applicable maintenance and fire Prevention code between 1949 and 1981 of which was used during the fire marshal's inspections.

According to 24 CFR 982.401(4)(A)], the DHNP adheres to the highest acceptable criteria in the program regulations and has adopted, where applicable, the local codes of: The Uniform Statewide Building Code, it's Part III section of The Virginia Maintenance Code, and City of Virginia Beach Property Maintenance Code, where all codes exceed HUD's HQS performance requirements.

All three building maintenance codes refer to the year of construction for the applicable building code for inspection of property. The applicable building code for inspection of Lynnhaven Landing and this dwelling unit is the Virginia Public Building Safety Regulations (VPBSR) building and maintenance code. The VPBSR exceeds the HQS performance requirements.

#### **DISPUTED CODE VIOLATIONS**

I, Janett Fisher Pakravan queried Mr. Skip Harper MCP, a Code and Regulation Specialist at the Department of Housing and Community Development, Division of Building and Fire Regulation, State Building Codes Office

located at 600E. Main St, Richmond, VA 23219, Phone 804-371-7164m as to the exact wording of the Uniform Statewide Building Code (USBC) Part III, the Virginia Maintenance Code (VMC) in regards to the three alleged building maintenance codes that I allegedly violated, according to R. L. Etheridge, Code Inspector for the Virginia Beach Department of Housing and Neighborhood Preservation, (DHNP), the de facto Public Housing Authority (PHA).

Mr. Harper advised me that in his opinion, I was correct and that the correct and applicable building and fire maintenance code for this 1972 constructed apartment building is the Virginia Public Building Safety Regulations Code. (VPBSR) and not the Uniform Statewide Building Code (USBC).

Below are the three alleged code violations written by R. L. Etheridge followed by the codes from the 2012 and the 2015 VMC code books courtesy of Mr. Skip Harper/MCP, Code and Regulation Specialist.

37. Code Inspector R. L. Etheridge wrote: “ Living Room - 605.1 Electrical Components, **need access to all outlets**, correct within 21 days -RE-INSPECT-02/15/2019
- a. Mr. Skip Harper Master Code Professional using the 2012 year VMC Code and the 2015 VMC Codes
    - i. 2015-605.1 Electrical components. Electrical equipment, wiring, and appliances shall be *maintained* in accordance with the *applicable building code*
      - (1) There is no VMC **code for need access**.
    - ii. 2012 year VMC Code 605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.
  - b. There is no **VMC code for need access**
  - c. VPBSR states nothing for electrical outlet need of access
  - d. The inspector had all the electrical outlets open to him and he chose not to check any of them while standing about a foot from them
38. Code Inspector R. L. Etheridge wrote : **Kitchen** - 305.1 Interior General, interior **very cluttered**, correct within 21 days-Re/INSPECT 02/15/2019
- a. Skip Harper Master Code Professional using the 2012 year VMC Code and the 2015 VMC Codes: **Clutter**
    - i. 2015 Year VMC Code 305.1 General. The interior of a structure and equipment therein shall be *maintained* in good repair, structurally sound, and in a sanitary condition.
      - ii. **There is no VMC code for “clutter” listed**
    - b. 2012 Year VMC Code 305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more non residential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior properties.
      - i. **There is no VMC code for clutter listed.**
      - ii. VPBSR has no code for clutter
39. Code Inspector R. L. Etheridge wrote: C.) General Health and Safety - 702.1 **Means of Egress**, General, Windows are completely blocked creating a problem with **ingress and egress**. CORRECTED WITHIN SEVEN DAYS-RE-INSPECT-02/01-2019”

- a. Skip Harper Master Code Professional wrote using the 2012 VMC and the 2015 VMC Codes: **Egress**
  - i. 2015 Year VMC Code 702.1 General. A safe, continuous and **unobstructed path of travel** shall be provided from any point in a building or structure to the *public way*. Means of egress shall comply with the International Fire Code.
    - (1) **There is VMC no code for egress by windows**
- b. 2012 Year VMC Code 702.1 General A safe, continuous and **unobstructed path of travel** shall be provided from any point in a building or structure to the *public way*. Means of egress shall comply with the International Fire Code.
  - i. **There is no VMC code for egress by windows**
- c. 24 CFR §982.401(d)(2)(iii) Dwelling unit windows that are accessible from the outside, such as basement, first floor, and fire escape windows, must be locable (such as window units with sash locks and combination windows with latches) . **Windows that are nailed shut are acceptable only if these windows are not needed for ventilation or as an alternate exit in case of fire.**
- d. VPBSR states that access for ground floor apartments is the front door, We live on the ground floor and the exit door is less than 10 feet from our apartment front door.

Sec. 16-6. - Rules and regulations for administration and enforcement of this chapter. The Director of Housing and Neighborhood Preservation is hereby authorized to make and adopt such rules and regulations as he may deem necessary for the administration and enforcement of this chapter, which rules and regulations shall not be in conflict with or an enlargement of any of the provisions of this chapter. (Code 1965, § 19-10; Ord. No. 1922, 10-2-89). Therefore while Andrew Friedman has been given extraordinary powers and authority, he may not tamper with the codes

#### BACKGROUND

My daughter and I moved to the Lynnhaven Landing apartments on June 18, 2019 through a HUD Housing Choice Voucher Program and an individual Housing Choice Voucher granted us from the City of Virginia Beach Department of Housing and Neighborhood Preservation (DHNP) on a “Housing Assistance Payments” HAP contract number between the DHNP and Lynnhaven Landing, Tenant ID WL-14-024-01. We were not given any pamphlets or information about our rental contract with the owner or with the DHNP.

We were never told of the powers and authority of the DHNP or the lack of some. **Ordinance Sec. 16-6. - Rules and regulations for administration and enforcement of this chapter. The director of housing and neighborhood preservation is hereby authorized to make and adopt such rules and regulations as he may deem necessary for the administration and enforcement of this chapter, which rules and regulations shall not be in conflict with or an enlargement of any of the provisions of this chapter.** (Code 1965, § 19-10; Ord. No. 1922, 10-2-89)

On January 25, 2019 our apartment was inspected by R. L. Etheridge who failed our apartment using the inappropriate code after it had passed inspection for 7 years. He would not correct his errors at all.

Director Andrew M. Friedman and Marcus Williamson between February 14, 2019 when I filed my Appeal to the Local Building Board Code of Appeals, and May 8, 2019 intercepted my appeal, tampered with it and altered it, rewrote it, denied it, and wrote to me on May 8, 2019 that they were denying my appeal and that they had taken the code section numbers off of it so that I could not appeal anywhere. They told me that I had to correct the HUD Quality Standards though even though they are embedded in the code . All the codes defer to the Virginia

Public Building Safety Regulations as the one that is appropriate and applicable to the year of the construction of my apartment building.

Andrew Friedman and the DHNP violated my rights of stay of process granted automatically by my appeal to the LBBCA and in their violations terminated my Housing Choice Voucher and my participation in the Housing Choice Voucher Program and in their violations incited the Housing provider to file numerous self evictions and refusal to renew lease and an Unlawful Detainer scheduled for Wednesday June 12, 2019 where she wants immediate possession of my apartment to make us homeless. All Unlawful.

First - there was no inspection of my apartment on March 25, 2019 as I would not let the four people at my front door come in. (Frank Grice, Shawnti Todd, a second inspector, Tay Lynnhaven Landing maintenance employee, and Nona Hipp, Community Housing Partners regional manager and an unknown second inspector according to Tay and Hipp).

Second - VMC is not the applicable building code for an inspection of my 1972 constructed building apartment unit. The Virginia Public Building Safety Regulations (VPBSR) is the correct applicable building code for my apartment.

Third - my apartment is in compliance with the VPBSR and HUD Housing Quality Standards as HUD has for the past seven years, allowed the local building maintenance code to cover the HQS and Inspection, according to the appropriate and applicable local building code.

Fourth - Robert L. Etheridge had access to all electrical outlets (VMC 605.1) in the living room and made a choice not to check them. Electrical outlets is not covered in the VPBSR as far as I have been able to research.

Fifth - Robert L. Etheridge Judged the galley Kitchen (VMC Kitchen 305.1 Interior General) as very cluttered. A galley kitchen does not have room enough to make it 'cluttered'. We are handicapped and we keep out limited amount of pots and pans and wok on the counter top and on the stove top for disabled accessibility. Neither my adult disabled daughter, nor myself, can stoop, bend, twist, squat, on a daily basis to lift out pans, pots and wok from the below sink cabinets as it would injure us. We do not have a coffee pot, tea pot, blender, juicer, crepe maker, toaster, waffle maker, towel holder, bread box, recipe book holder, salad spinner, flour, sugar, grease holders, or spice rack on the counter top or on the stove top which a normal household would have on their counter tops. My research has shown that the VPBSR does not list kitchen clutter nor does HUD Housing Quality Standards.

Sixth - Robert L. Etheridge listed VMC code 702.1 Means of Egress, General Windows are completely blocked creating a problem with ingress and egress. VMC is not the applicable building maintenance code - the Virginia Public Building Safety Regulations (VPBSR) is the applicable building code and it as a building maintenance and fire code, does address egress. For those who live in a 1972 constructed building, on the ground floor, egress is by the front door of the apartment into the lobby and out the front door of the building, provided it is not more than 125 feet. I have less than 15 feet to walk out of my apartment into the vestibule and out the front door of my building to the sidewalk and then to the parking lot in case of a fire. My window sills are 4 feet high and the windows are about 6+ inches above the sill. The windows are divided into 4 sections with a metal divider. Due to my Congestive Heart Disease and the swelling it has caused in my body and due to the severe osteoarthritis, torn meniscus and lateral as well, I cannot raise myself up the 4 feet to the window sill and cannot break two window sections and knock out the supporting divider between the two panes of glass nor the four separate panes of glass in order to get out of the apartment in case of a fire. HUD permits egress through a front door for those on the ground level apartment, even when the windows are nailed shut.

Fair Housing Act and Fair Housing Amendments Act (42 U.S.C. §§3601- 3619, 3631) prohibits discrimination

against people who have a physical disability that limits one or more major life activities. Including mobility impairment. This refers to Etheridge citing my galley kitchen as 'cluttered' and the egress via windows is blocked when the applicable building maintenance code was not and is not being used and there was no thought at all about my daughter's physical disabilities and my physical disabilities.

As a result of what the Virginia Beach Department of Housing and Neighborhood Preservation (DHNP) has illegally done to my daughter and myself, we researched some of the principals at the DHNP to try and discover their motivation for their unlawful actions taken against us. We were quite surprised when we reviewed the results which follows:

Robert Etheridge inspected this unit in 2017 with the exact same furniture and pots and pans and furniture in the exact same places and passed the DHNP inspection. Now two years later, Etheridge fails the unit? It is impossible unless there is another reason for the failure and that would have to be someone ordered him, coaxed him, or did something to have Etheridge fail this unit. The list below shows a probability of undue influence upon Robert L. Etheridge to compromise himself and fail this apartment in order to terminate the HUD Section 8 Program and Housing Choice Voucher for my daughter and myself and to evict us from Lynnhaven Landing.

Robert L Etheridge lists on his Facebook page of Friends Thomas Benson the Lynnhaven Landing's head of maintenance employee Thomas Benson lists on his Facebook page of Friends , in turn Robert L. Etheridge code enforcement inspector at DHNP

Shawntii Todd administrative person came to my apartment and placed a doorknob tag On my doorknob after Tay said she was with 2 city inspectors and Nona Hipp Regional Manager of CHP came to my door stating she was here with two city inspectors. Frank Grice spoke up finally but failed to identify himself and failed to identify the other city inspector with him. one of those people outside of my apat door was Shawntii Todd, proof by the doorknob hanger.

## **RELIEF SOUGHT**

We, the Appellants, ask this Review Board to dismiss the Appellee's Violation of Maintenance Codes issued on January 28, 2019 to us as being unlawful, to charge the Appelles with violation of due process, equal protection, and with intentional interception of, tampering, altering, and changing my words on my appeal to the LBBCA and with violation of State Ethics for PHAs and Code Enforcement Inspectors.'

Statement of Specific Relief Sought **Federal Rule of Evidence Rule 60 Relief from an Order(b)** grants for relief (1) mistaken inclusive; (3) fraudulent misconduct (6) any other reason that justifies relief (c) 1 year to make a motion under Rule 60(b).

We ask that the Board not remand it to the LBBCA but make a decision on it without doing so as there is no trust that the same violation will occur again.

We ask that the Board, if possible will charge the housing provider with secreting the year of construction and for aiding and abetting the PHA in their violation of our rights and of the falsification of codes.

I respectfully request this Appeal to the State Building Code Technical Review Board  
Respectfully submitted this 11th of June, 2019.

An Illustrative Chart of Conspiracy and Collusion

City of Virginia Beach Department of Housing and Neighborhood Preservation (DHNP)			Community Housing Partners owner of Lynnhaven Landing and Crissie Willoughby-Benoit, Property Manager /Agent		
Date	Party	Event	Date	Party	Event
			January 11, 2019	Crissie	Std Quality Insp/pre HUD inspec between January 14, 2019 and January 18, 2019
			Thursday January 17, 2019	Tay	double inspections day
			Thursday January 17, 2019	Janett	must contact HUD re insp note to Crissie
			Thursday January 17, 2019 at 12:59 p.m.	Crissie	Call your case worker
			Thursday January 17, 2019 at 1:18 p.m.	Janett	waiting to hear from HUD
			Thursday January 17, 2019 at 1:38 p.m.	Crissie	<b>This isn't from HUD.</b> This inspection is with the city of Virginia Beach.”
January 18, 2019	Shawnti Todd/ Administ. Specialist I	Warnette Cason no longer wanted to have my case; assigned a new Housing Specialist Syreeta McCoy effective immediately			
January 25, 2019 at 9:24 am.	Robert L. Etheridge	annual HUD inspection. next insp Feb 1, 2019. chose not to test elec outlets had Autumn move furniture refused to return same day to test elec outlets, windows			
January 25, 2019 at 9:47 a.m.	Frank Grice and Tay	23 minutes after Etheridge 2 <sup>nd</sup> inspector acted surprised apt had been inspected			
January 28, 2019	Rental Housing / Frank Grice Code Enforcement Inspector	Section 106.5 of the Virginia Maintenance Code provides for appeals / Appeals shall be submitted to the Building Code Board of Appeals within 14 days. Appeals should be addressed to the board, in care of this office			

<p>We have determined that the following corrective action(s) are required to bring this unit in compliance with HUD Housing Quality and VMC standards:</p> <ol style="list-style-type: none"> <li>1. Living Room - 605.1 ELECTRICAL COMPONENTS, need access to all outlets, <b>correct within 21 days-RE-INSPECT-02/15/2019</b></li> <li>2. Kitchen - 305.1 INTERIOR GENERAL, interior very cluttered, <b>correct within 21 days-RE/INSPECT 02/15/2019</b></li> <li>3. General Health and Safety - 702.1 MEANS OF EGRESS, GENERAL, Windows are completely blocked creating a problem with ingress and egress, <b>CORRECTED WITHIN SEVEN DAYS-RE-INSPECT 02/01-2019]</b></li> </ol> <p>A unit re-inspection has been scheduled for February 15, 2019  Scheduled Abatement Date: March 1, 2019 violation of the Virginia Maintenance Code as adopted by Section 16.3-1 of the City Code. In accordance with Section 104.5.4.2 of the Virginia Maintenance Code”, correct it. Frank Grice</p> <p>“NOTE: Violations of the Virginia Maintenance Code are deemed a misdemeanor with Section 36-106 of the Code of Virginia and, upon conviction, may be punished by a fine of not more than \$2,500.”</p> <p>Your tenant is not responsible for abated HAP. Owners are prohibited by contract from attempting to collect housing assistance payment from the tenant.</p>			
<p>Note. 1. access to all outlets is not a violation. The outlets were open for Inspector Robert L. Etherdige to test. He chose not to do so. The VMC code does not list ‘access to outlets’ as a violation nor does the VPBSR code or the Municipal code or HQS.</p> <p>2. Kitchen very cluttered. It is a galley kitchen. We have a pot and pan on the counter as we are disabled and cannot stoop, bend, or squat to get pots and pans out of the cabinets to cook with on a daily basis. VMC, VBMC, and VPBSR coded do not list ‘cluttered kitchen’ as a violation, not do they list any handicapped accommodation to the VMC, VPBSR or the VBMC.</p> <p>3. Egress for those on the ground floor according to VMC, VPBSR and VBMC all refer to egress as walking out the front door. 24 CFR §982.401 (d)(2)(iii)<b>Dwelling unit windows that are accessible from the outside</b>, such as basement, <b>first floor</b>, and fire escape widows, must be locable (such as window units with sash locks and combination windows with latches) . <b>Windows that are nailed shut are acceptable</b> only if these windows are not needed for ventilation or as an alternate exit in case of fire.</p>			

			Feb 1, 2019 call McCoy not there Delaney took call who said No inspec today. sche for March 15, 2019	Janett	Polar Vortex too cold to open door to inspec I'd get sick
			Feb 6, 2019	Crissie	21/30 vacate by March 8, 2019 listed duties of tenant no more neighbor complaint cited failed inspection (neighbors never complained; inspc did not fail, wrong code used; intentional failure notice)
February 12, 2019	McCoy	blank list of 17 items for re-certification but none checked to provide to McCoy			
			February 14, 2019	Janett	Faxed to DHNP Director Andrew Mitchell Friedman Notice to him of my LBBCA Appeal and Extension for alleged violations at 16:10. # U63314E4J686574.Receipt #2602819392.FedEx Office Centers.729 First Colonial Road.Va Beach, Va 23451 Phone #: 757-417-0271
			February 14, 2019	Janett	<b>Faxed Appeal to LBBCA</b> serial # U63314E4J686574. Receipt #2602819392 #2602819392.FedEx Office Centers.729 First Colonial Road.Va Beach, Va 23451 Phone #: 757-417-0271
February 15, 2019	Schmidt	DeFelice-Fisher Response PDF spoke to Friedman, aligned with Friedman and landlord cc: Rader, Brad; DeFelice, Joseph J; Martin, Marcia; Booker, Bonita; (legally barred by LBBCA Stay)(the day after I faxed my appeal to the Local Building Board Code of Appeals)			
		"Our office contacted Mr. Andrew Friedman, Director of the Virginia Beach DHNP			

<p>DeFelice and Rader intentionally chose in January and in February to not contact me or answer my questions about rules and regulations and housing providers. Only the day after I filed my Appeal to the LBBCA, was there a response bit it was not to me and not to address my questions, so much as it was to defend Andrew Mitchell Friedman, his DHNP, his inspectors. In that DeFelice and Rader used Carrie Schmidt to respond to me. There was an inclusion of a lot of other people whom I did not know, to cc their 'DeFelice-Fisher Response PDF. Even in that, Schmidt chose not to use my surname of Pakravan but that of my maiden name, showing bias and hatred of my surname just as she in 2018 when Warnette Cason would not contact me to tell me what my portion of the rent would be.</p>					
		<p>On the date of your inspection, two DHNP inspectors were on the development property site to conduct multiple unit inspections. You intercepted one inspector onsite inspector did not ask you or a family member to address the blocked windows and outlets at the time of the inspection</p>			
<p>Inspections are arranged by DHNP and Marcus Williamson and are not happenstance. My daughter met with him, did not intercept him, Robert L. Etheridge did address the outlets and the windows and told her how to move the furniture for easy access. Schmidt and Friedman were not here. I, Janett Pakravan, overheard Etheridge telling my daughter how to move the furniture which resulted in injuring her. Schmidt has clearly taken only what Andrew Friedman told her and failed to ask all parties what happened.</p>					
		<p>Later in the day, a second inspector on site attempted to conduct an inspection of your unit (23 minutes later is not 'later in the day')</p>			
		<p>on the afternoon of February 14, 2019 at 4:10 pm, the DHNP received a fax from you requesting to reschedule the February 15, 2019 inspection based on reasonable accommodations for persons with disabilities ( she omitted that I was notifying hm that I had faxed my Appeal of his lawless code violations to the Local Building Board Code of Appeals)</p>			
<p>I stated, "I have filed an appeal of the alleged violations and am in contact with you requesting that the inspectors and DHNP comply with the ADA Reasonable Accommodations and a granting of the extension without penalty and that the re-inspection scheduled for today be suspended and continued at the end of my requested 30 days extension." Extensions come with any alleged code violations and the person(s) must ask for it. I did not ask for rescheduling.</p>					

		Federal Housing Quality Standards (HQS) inspection requirement overrides the four-year COC inspection requirement COC does not preclude an owner from inspecting a unit as long as the owner adheres to the stipulation of proper notice to the tenant according to the terms of the Lease Agreement.”If you have further questions regarding your unit inspections or HCV assistance, you may contact Mr. Andrew M. Friedman			
The owner had committed 30+ inspections in 7 years, in addition to attempted inspections that never took place, had used flashlights to inspect every inch of our furnishings and personal items in this apartment. This is abuse of access and is a violation of tenant rights under the VRLTA. Schmidt demonstrated dereliction of duty to a participant in the HCV program administered by DHNP that she is the HUD Virginia Field Office Director over to ensure that the program is properly administered. Virginia landlord-tenant law is found in the VRLTA. Schmidt’s failure to know the applicable law of the VRLTA or to have her staff know it and apply it to the HCV Participant is negligent.					
February 15, 2019	Randy Blake cc: Frank Grice/ Code Enforcement Inspector; Syreeta McCoy/ Housing Specialist	Action deferred for bldg. maintenance violations til 3-25-19; reinspect 3-25-19; applies only to bldg. violations not to any other property maintenance violations may have been cited; (legally barred by LBBCA Stay)			
February 20, 2019	Shawnti Todd/ Administrative Specialist I; cc: Lynnhaven Landing	Random Quality Control Inspection March 5, 2019 “Your lease Section 8 rental assistance may be stopped if your home is not inspected or if your house fails inspection. If the inspection appointment is not kept, your Section 8 assistance will terminate, effective March 31, 2019 making you responsible for entire rent effective April 1, 2019. (legally barred by LBBCA Stay)	February 20, 2019	Agent for Lynnhaven Landing	Recertification renewal of lease
Note: In the DHNP there no “Random Quality Control Inspections” There is a computer data base where the name and address of the HCV participant is located, the names of the inspectors who inspected her apartment in the last years and a choice of other names of inspector available to do the Quality Control Inspections. Marcus Williamson states that he chooses these inspectors as he is over all of them. See his linkedIn post					

			February 26, 2019	Janett	To: Jameer Johns I received a notice on my door that I had to do recertification again this year, but last September you told me that I wouldn't have to do it for another 3 years. So I'm a bit confused as to whether this was an error or not. Do I have to do another recertification? Please let me know as soon as you can. Thank you."
			February 26, 2019	Jameer Johns	That was a system error please disregard.
			March 1, 2019	Jameer Johns	questioned by Autumn about the recertification, do we have to do that Johns said "I responded to that ." (Not looking at me)
			March 4, 2019	Janett	email to Andrew Friedman I have been in communication with Mr. Skip Harper/MCP Harper stated that the wrong code was used, the apartment passed inspection, and my daughter and I are in compliance with the right code
			March 5, 2019	Mr. Harper	a.m. "Good Morning-I put in a call to Mr. Friedman-waiting to hear back"Friedman never returned Mr. Harper's call
March 8, 2019	Marcus Williamson	You have requested an appeal of the clutter under the VMC guidelines "We reviewed your case and determined that we will not pursue enforcement under the VMC violations however, remain fully enforceable under HQS guidelines you may not appeal the citations under HUD's HQS guidelines 24CFR 982.555(b) (6)."Your unit will be scheduled for a re-inspection and is subject to the abatement of housing assistance			
Note: I appealed all 3 alleged violations. Marcus and Friedman intercepted my appeal; committed spoliation of evidence; they are not LBBCA; all adverse actions by the appellees are legally barred by LBBCA Stay; <b><a href="#">They Obstructed filing of my LBBCA Appeal and Obstructed Justice</a></b>					
			March 18, 2019	Lynnhaven Landing mgt team	We hope you decided to renew New Rental Rate for a 12 month lease, \$999

March 25, 2019	Tay, Grice, Todd, Hipp, unknown	Tay impersonated inspector; Grice/Todd refused to speak; Grice wanted in, left to get Hipp; Hipp wanted in; was told to call lawyer; violation of LBBCA Stay	March 25, 2019	CBW Authorized Agent	<b>Non-Renewal:</b> of lease We are currently non-renewing your lease with Lynnhaven Landing. Agreement and tenancy will end on <u>05/31/19</u> You are responsible for all rent payments during the period that you reside in the premises and for actual damages and fees sustained by Management as a result of your breach (if any)
March 25, 2019	doortag Shawnti Todd 385-5732 HCVINSPECTIONS @VBGOV.com Code Enforcement Division	“You Were Out! Sorry We Missed You Today! Please call between 8-4:30" ‘If you do not reach me please leave a message so I can return your call’. (Todd’s tag shows she was here at my door an administrative asst. trespass impersonated code inspector)			
They just did a gang attack attempting to get in here in violation of my Appeals Stay and then acting as if they were on a social call. Shawnti Todd trespassed on my apartment.					
March 26, 2019	Syreeta McCoy/ Housing Specialist	Notice of Proposed Termination. DHNP proposes to terminate your participation in the Housing Choice Voucher program for the following program violations:” “1) Failure to comply with Housing Quality Standards (HQS) 2) Failure to allow the housing unit to be inspected by Code Inspectors”			
If you wish to appeal this decision, you have the right to an informal hearing. The request must be submitted to me in writing within ten (10) working days from the date of this letter or no later than <b>April 8, 2019</b> . If your request is not received within the time period indicated above, you will waive your right to a hearing and our decision to terminate your assistance will become final. This does not, however, constitute a waiver of your rights to appropriate judicial proceedings.					
Note: they did a violation of LBBCA Stay, I was in full compliance with the HQS, Code Inspector legally barred by LBBCA Stay, He had no legal right to be near my apartment much less inspect it. no violation. McCoy was using scare tactics of threatening me that I would waive right to any hearing and my HCV and HCV participation and I would have to go to court against them. All when I was and am, correct and have not violated any codes.					

March 26, 2019	Marcus Williamson	<p>Notice of Unit Inspection Failure to Lynnhaven Landing;“On March 25, 2019, this department conducted an inspection of the unit located at 309 Cedarwood Court 102 in Virginia Beach, occupied by Janett F. Pakravan. <b>We have determined that the following corrective action(s) are required to place this unit in compliance with HUD Housing Quality and VMC standards:</b></p>			
<p>“A unit re-inspection occurred on March 25, 2019 between the hours of 8:00am and 2:00pm.”; <b>“THE UNIT IS STILL IN FAIL STATUS.”</b>“1. Living Room - 605.1 ELECTRICAL COMPONENTS,need access to all outlets, <b>correct wihthin withine 21 days-RE-INSPECT-02/15/2019</b>  2. Kitchen - 305.1 INTERIOR GENERAL.,interior very cluttered, <b>correct within 21 days-RE/INSPECT 02/15/2019</b>  3. General Health and Safety - 702.1 MEANS OF EGRESS, GENERAL., Windows are completely blocked creating a problem with ingress and egress, <b>CORRECTED WITHIN SEVEN DAYS-RE-INSPECT 02/01-2019]</b>.”<b>“Scheduled Abatement Date:</b> April 1, 2019 “Your tenant is not responsible for abated HAP. <b>Owners are prohibited by contract from attempting to collect HAP payments from the tenants.</b>”;</p>					
<p>Abatement Notification to Lynnhaven Landing “You were previously notified to correct HQS deficiencies at the address identified below. To date, you’ve failed to correct those deficiencies. This unit is out of compliance with program requirements.”no signature, inspector named is Frank Grice We will terminate the unit contract from the program and provide the tenant their voucher to move if this unit does not meet HQS requirements within a reasonable period.”</p>					
<p>Note: Known false and fraudulent statement on known false and fraudulent document as there was no inspection performed on this date and no failure especially when inspectors didn’t get into unit</p>					
<p><b>Note: DHNP just proved that HUD HQS are embedded in the VMC and cannot be separated. Thus by using the nonapplicable building code of VMC, my unit passed under the applicable building code January 25, 2019 with HQS embedded in the code. There are no violations and there never were.</b></p>					
<p><b>Note: Proof of non-removal of VMC. and proof of March 8, 2019 fraud on city gov document that they removed VMC and my LBBCA appeal of VMC was still in effect and obstructed without ruling on my appeal from LBBCA w/my Stay ongoing;</b> Unit did not fail. No inspection on March 25, 2019 occurred as they were legally barred by Stay and never gained access; fraudulent city government document for fraud on Fed HUD HCV tenant file</p>					

<p>Note: No inspection ever occurred, legally barred by LBBCA Stay. No one entered apt. or saw into apt. as door was never even cracked open while Grice and Hipp repeatedly harassed, intimidated, cajoled, lied using ruse about not hearing Autumn unless she opened the door to them. Autumn was steadfast in not opening her door or being persuaded, intimidated, harassed, cajoled into trickery to open door for Grice to visually inspect and fail unit. No visual was made by any DHNP or CHP staff, thus can't assess unit's status</p>					
<p>March 26, 2019</p>	<p>(Stamped "ST") Admin. Agent's Signature</p>	<p>Stop Payment Abatement reason "HQS"; "City of Virginia Beach - Housing Choice Voucher Program Inspection (Please Refer to Your HAP Contract for the Specific Language on Which This Policy is Based) Notice to Landlords, Owners and Property Managers"</p>			
<p>Note: Within the time period of 34 days Shawnti Todd has used the following titles:  1) 2-20-19 Shawnti Todd "Administrative Specialist I"  2) 3-25-19 Shawnti Todd "HCVINSPECTIONS @VBGOV.COM Code Enforcement Division"  3) 3-26-19 Shawnti Todd "ST" "Administrative Agent's Signature"</p>					
<p>"4. The tenant is not responsible for the City's portion of the rent. Owners are prohibited by the HAP contract from attempting to collect the City's portion of the rent from the tenant."</p>					
			<p>April 4, 2019</p>	<p>Janett</p>	<p>paid April rent in full</p>
			<p>April 8, 2019</p>	<p>Janett</p>	<p>in response to fear of losing right to appeal the DHNP decision to terminate my HCV and me from the program I wrote an email to McCoy stating</p>
			<p>"This is to provide timely notice to you regarding the termination of me from the Housing Choice Voucher Program, that as of Monday April 8, 2019, that I, Janett Fisher Pakravan, disagree with every action taken by all parties at DHNP to date."</p>		
			<p>"I do not believe that I will receive a fair, unbiased, impartial, informal appeal hearing of a grievance procedure at the offices of DHNP, particularly since it was written that the DHNP does not have to abide by any conclusion of the informal hearing. <b>This is also to inform you that this matter will be pursued/continued/appealed elsewhere.</b>"</p>		
<p>April 9, 2019</p>	<p>McCoy CC: Marcus Williamson Jeffrey Ripley</p>	<p><b>As per your request</b>, an Informal Hearing has been scheduled for <b>Wednesday, April 17, 2019 at 10:00 am. Failure to appear at this hearing automatically waives your right to any further appeal.</b></p>			

<p><b>“If you have any documentation or witnesses that may attest to your innocence, you are encouraged to bring them to the hearing, <u>all witnesses must have identification</u>. Please be aware that we must be given an opportunity to examine any family documents directly relevant to the hearing prior to the hearing, or you may not rely on those documents at the hearing.”</b></p>					
<p><b>Note:</b> “innocence” is only when guilt or innocence is determined in a criminal trial before a criminal court of competence with legal jurisdiction to hear and decide criminal matters. DHNP is not a court. DHNP has police powers but even police do not determine guilt or innocence. Guilt or innocence is only determined by a Judge presiding over a Criminal Case in a Criminal Court after a person has been charged with a criminal offense under an ordinance, State Code or Federal Code. There was no disclosed legal criminal charge, no criminal court, no disclosure to me that DHNP was functioning as a criminal court trying me for ‘crimes’ that were never disclosed and were disguised as an “informal hearing” that I never asked for and emphatically stated I did not want with them. She is stating that this hearing is judge and jury over me and no other law exists for me.</p>					
			April 10, 2019	Crissie	cashied my April rental check without reservation
			April 12, 2019	Crissie	inspection between April 16, 2019 to April 19, 2019 We will need to inspect all areas of the apartment, including closets
			April 13, 2019	Janett	Subject: “Informal Hearing” wherein I stated,
			<p>“I, Janett Fisher Pakravan, never asked you or anyone at DHNP for an informal hearing. I clearly stated that I did not trust DHNP and would seek redress elsewhere.”</p>		
April 16, 2019	Helen Hardiman	“Mr. Friedman shared with me that DHNP scheduled an informal hearing although you did not request one.			
<p>Note: Helen’s written statement is evidence that Friedman intentionally set up this Ex Parte Hearing in a scheme to terminate my HCV and me from the HCV program and to blame me for it while giving the appearance of ‘providing me with an opportunity’. It further illustrates that I was correct in that he and his staff are highly non credible.</p>					
			April 17, 2019 at 10:37 a.m.	Tay and Jameer	came for inspection; denied me essential services of air conditioning filter upon verbal request to leave it outside of door as inspection was legally barred by Stay which was told to Jameer who replied that was for the City and this is for them; Jameer wrote on his clipboard “refused inspection.”; refused to leave air filter that he provided to all other units of 309 Cedarwood Ct.

			Note: McCoy CC: Marcus Williamson Jeffrey on April 9, 2019 wrote, "Informal Hearing has been scheduled for Wednesday, April 17, 2019 at 10:00 am."		
			Not coincidentally the same day, the same time we were allegedly supposed to appear at the hearing, the assistant property manager, Jameer Johns, and Tay are at our door to do an inspection. It was collusion between Lynnhaven Landing and DHNP to constructively enter my unit in order to take pictures, do an inspection and share the results between them in order to force me out. Jameer and Tay waited to ensure that the meeting was in full fledged action before they came so that we would not have time to get back while they did unlawful entry, criminal trespass, breaking and entering and unknown crimes in my unit in violation of LBBCA Stay		
April 24, 2019	Jefferey Ripley CC: Syreeta McCoy/Jill F. Rinaldo/ Hearing Officer; Lynnhaven Landing, Owner 352 Fernwood Court 101	Housing Choice Voucher Program Results of Informal Hearing April 17, 2019 "In accordance with HUD regulations at 24 CFR Part 982.554(b), an Informal Hearing was held on April 17, 2019 to provide you the opportunity to appeal the decision to terminate your participation in the Housing Choice Voucher Program, effective date of April 30, 2019 be upheld." "A copy of the Hearing Officer's report is enclosed for your review."			
Dated April 17, 2017	Jill F. Rinaldo Hearing Officer	Informal Hearing Report "RE: Janett Pakravan Dated April 17, 2017" "I have carefully review the informed Hearing documents provided by Section 8 DHNP regarding the above case."			
"Ms. Pakravan was given the opportunity to appeal the termination decision by attending an informal Hearing today to present evidence and rebut the case against her." "Ms Pakravan failed to appear and did not give notice of same." "Consequently, valuable City resources were squandered in the form of time lost by Section 8 Staff and myself. My finding is to uphold the decision to terminate her participation in the Housing Choice Voucher Program."					
Note: This was a secret ex parte hearing not divulged to me after I sent two emails on two separate occasions stating very clearly that I did not want a hearing with them as the matter would be pursued elsewhere. They held the hearing without disclosing to me that they were going to violate my rights and were going to push ahead regardless of what I said in order to terminate my housing choice voucher and me from the program because McCoy said on April 9, 2019 failure to appear bars me from appealing anywhere and this is what Friedman soughtl					

<p>They used DHNP material without disclosure to me and after my March 4, 2019 written request for my entire file, non-redacted from Andrew Friedman with ADA Reasonable Accommodation to send it FedEx as the mailman throws mail on the floor and I cannot bend. HUD bars use of participants files if participant is not copied on them;</p>					
<p>in this secret ex parte hearing/secret trial DHNP failed to ask me for any evidence; failed to list parties at hearing; failed to list speakers; failed to note what speaker said; conflict of interest; Rinaldo not a lawyer; failed to note time hearing began, time each speaker spoke; failed to list DHNP 'evidence'; failed to note ex parte hearings are in violation of Due Process and Hearing Officers cannot hold a hearing without all parties present; failed to note I sent two emails on two separate occasions stating very clearly that I did not want a hearing with them because I did not trust them, as proven to be correct</p>					
<p>April 25, 2019</p>	<p>Syreeta T. McCoy/ Administrative Agent's Signature</p>	<p>Date Housing Assistance Payments Terminated/are to <b>terminate:4/30/2019"</b>; "Permanent Stop ☒"; "<b>End Participation</b> (EOP)"</p>			
<p>Notice to Landlords, Owners and Property Managers"1. The City will not pay it's share of the rent for any unit where violations have not been corrected within the initial timeframe(s) specified in this notice or by the end of any extension granted, whichever is later."; "2. No extensions to time allowed for correction(s) are valid unless they are in writing."3. In cases where violations are not corrected by the later of: (1) the initial timeframe(s) specified in this notice or (2) the end of any written extension granted, the City may terminate the HAP contract with you. Repeated failure to correct housing code violations may result in the City refusing to allow your participation in the Housing Choice Voucher program."</p>					
<p>"4. The tenant is not responsible for the City's portion of the rent. Owners are prohibited by the HAP contract from attempting to collect the City's portion of the rent from the tenant."</p>					
			<p>April 26, 2019</p>	<p>Crissie</p>	<p>between April 30, 2019 to May 3, 2019, we will be conducting an inspection of apartments We will need to inspect all areas of the apartment, including closets. "</p>
			<p>April 30, 2019 at 8:33 am</p>	<p>Janett</p>	<p>jointly filed Fair Housing Complaint</p>
			<p>April 30, 2019 at 9:28 am</p>	<p>Janett</p>	<p>notified CHP/Lynnhaven Landing attorney Eric Chapman we filed a Fair Housing Complaint against his client. Retaliated in 174 minutes</p>

			April 30, 2019 at 9:48 a.m.	Janett	notified Crissie/Lynnhaven Landing we filed a Fair Housing Complaint against her, Lynnhaven Landing, CHP and DHNP; Retaliated same day with 5 Day Material Noncompliance
			April 30, 2019	Crissie	5 Day Material Noncompliance Notice\Failure to Pay Rent you are hereby notified that you are in default of your rental payment including any late charges, costs and any other assessments itemized
			May 5, 2019	Janett	paid May rent in full
			May 8, 2019	Crissie	cashd my May rental check without reservation
			May 8, 2019	Crissie	5 Day Material Noncompliance April + <b>May 2019</b> Notice\Failure to Pay Rent you are hereby notified that you are in default of your rental payment including any late charges, costs and any other assessments itemized
			May 18, 2019 rubber banded to doorknob	Crissie	Crissie served Summons for Unlawful Detainer (Civil Claim for Eviction)CASE NO. GV19014997-00 Hearing Date and Time June 12, 2019 8:30 am (B)
			Jameer Rajace Johns Assistant Property Manager/ Notary Public 'notarized' Crissie's affidavit; failed to put date; failed to have Crissie write legal full name; and misconduct of notary		
			June 4, 2019	Janett	paid May rent in full
			June 10, 2019	Crissie	cashd my June rental check without reservation
			June 11, 2019	Janett	filed Appeal Virginia State Technical Review Board
			June 11, 2019	Janett	filed Motion to Dismiss with Prejudice; copy of Appeal Virginia State Technical Review Board; This immediately Stays all actions by the landlord Lynnhaven Landing Apartments in case #GV19014997-00 scheduled for Wednesday June 12, 2019 at 8:30 a.m. in courtroom B.; Motion for Cease and Desist, Restraining Order, Motion for A.D.A. Reasonable Accommodation

			Tuesday June 11, 2019 at 5:33 p.m.	Janett	copy to Crissie of Motion to Dismiss and
			Tuesday June 11, 2019 at 5:46 p.m.		copy to Crissie of Appeal Virginia State Technical Review Board
			Tuesday June 11, 2019 at 6:45 p.m. This is 72 minutes after notifying Crissie of our Motion to Dismiss	Crissie	5 Day Material Noncompliance June Notice\Failure to Pay Rent you are hereby notified that you are in default of your rental payment including any late charges, costs and any other assessments itemized
			Wednesday June 12, 2019	Va. Beach Gen. Dist. Court Judge Paul David Merullo	judge reviewed and denied the motion that was provided the judge set your bond at \$3,000.00 + costs. You must post the bond w/ in 10 days of the date of judgement for the case to transferred up to Circuit Court.
			<p><b>the judge has not performed his judicial function.</b> This is where the impartial functions of the court have been directly corrupted". (<i>Kunner v C.I.R.</i> 387 F.3d. 689 (1968) the judge's ability to carry out <b>judicial responsibilities with integrity and impartiality is impaired</b> 42 U.S.C. §12101 <b>The Americans with Disabilities Act of 1990</b> , <b>Section 2</b> Findings and Purposes of Congress, that outright intentional exclusion of access (to the court), purposeful unequal treatment. Title II Violation of A.D.A. Act of 1990 (42U.S.C. §§12101 et. seq.)Prohibits discrimination by State and local government who are required to make reasonable modifications to policies, practices, and procedures when necessary to avoid discrimination</p>		

LYNNHAVEN LANDING LLC  
 PO BOX 741328  
 DALLAS, TX 75374-1328  
 WOLFENBARE LYNNHAVEN HEIGHTS PAR 4

Neighborhood Number  
 9110000  
 Neighborhood Name  
 APARTMENTS  
 TAXING DISTRICT INFORMATION  
 Jurisdiction Name City of Virginia Beach  
 Area 001  
 District 60  
 Census Tract 044808

Transfer of Ownership

Owner  
 Consideration Transfer Date Deed Book/Page Deed Type

VIRGINIA MOUNTAIN HOUSING INC (APHIS)  
 6175000 0 10/29/2003 0 0 GW  
 09/01/1992 3122 970 GW

Valuation Record

Assessment Year	2013	2014	2015	2016	2017	2018	2019
Reason for Change	Reassessment						
MARKET VALUE	L 1008000 I 1969200 T 2977200	L 1008000 I 1590200 T 2598200	L 1008000 I 1672900 T 2680900	L 1008000 I 1791600 T 2799600	L 1008000 I 1791600 T 2799600	L 1260000 I 1850700 T 3110700	L 1260000 I 2077200 T 3337200
LAND USE	L 1008000 I 1969200 T 2977200	L 1008000 I 1590200 T 2598200	L 1008000 I 1672900 T 2680900	L 1008000 I 1791600 T 2799600	L 1008000 I 1791600 T 2799600	L 1260000 I 1850700 T 3110700	L 1260000 I 2077200 T 3337200

Site Description  
 Topography  
 Public Utilities  
 Water, Sewer  
 Street or Road  
 Neighborhood  
 Zoning:  
 AL8  
 Legal Acres:  
 0.0000



Land Size	
Rating, Soil ID - or - Actual Frontage	Square Feet - or - Effective Depth
Land Type	Influence Factor
Units	

Physical Characteristics

ROOFING  
 Other

WALLS  
 Guard Yes B 1 2 Yes Yes U  
 Framing B 1 2 U  
 F Res 0 1 0 0

FINISH  
 UF SF FO FD  
 1 1 0 0 0  
 Total 1 0 0 0

HEATING AND AIR CONDITIONING  
 B 1 2 U

Special Features	
Description	

Summary of Improvements								
ID	USE	Story Height	Const Type	Grade	Year Cons	Eff Year	Cond	Size or Area
C	APART	0.00	AVG	AVG	1972	1972	AV	1

Monday June 24, 2019

To: travis.luter @dhcd.virginia.gov

Subject: Appeal No. 19-03 Response to Andrew M. Friedman letter June 20, 2019

Dear Mr. Luter:

I come before this Board today in order to address the June 20, 2010 statement of Director Andrew Friedman, wherein he put forth his reasons to request this Board deny my Appeal under the Uniform Statewide Building Code.

I disagree with Director Friedman's reasons to request the Board to deny my Appeal and submit reasons for the Board to continue in their acceptance of my Appeal.

Lynnhaven Landing multifamily apartment building was constructed in 1972. It is a 47 year old apartment complex and is located in a rental inspection district which is blighted or in the process of deteriorating and the city inspectors are required to inspect it on at least a yearly basis. This information was and is not divulged to the residents by either the DHNP, the owners or property managers of Lynnhaven Landing.

Statements made by Director Friedman that I disagree with:

- Statement: Paragraph 1: "the City of Virginia Beach's Housing Choice Voucher (HCV) Program"

- Response: (1) Director Friedman is manipulating and misrepresenting the Housing Choice Voucher Program by HUD. Director Friedman has distorted the facts. Director Friedman has just appropriated a United States Congressionally legislated Executive Branch of the United States Government, Independent Department of the Housing and Urban Development Established Federal Program for the entire United States, as one that is owned by the Independent City of Virginia Beach in the Commonwealth of Virginia. That is a gross misrepresentations of material fact.
- The City of Virginia Beach does not own nor do they have a Housing Choice Voucher (HCV) Program.
  - The United States Department of Housing and Urban Development (HUD) is the owner of the Housing Choice Voucher (HCV) Program.
  - HUD has given authority and funding to the City of Virginia Beach to administer HUD's Housing Choice Voucher (HCV) Program.
  - The City of Virginia Beach City Council authorized the City of Virginia Beach Department of Housing and Neighborhood Preservation the right to administer HUD's Housing Choice Voucher Program.
  - Of note is that Director Friedman stated this in the context of, "Please be aware that Ms. Pakravan's appeal pertains to a rental dwelling unit that was enrolled..." as an admonition to the Board. His statement is irrelevant and meant to redirect the focus away from law to my dwelling unit being a "rental dwelling unit" that is in appeals for alleged building code violations. It is inconsequential to building code as to whether the unit was owned by the occupant or rented. The law of applying the applicable building code for when the unit was constructed do not change from renter to owner. Director Friedman fails to address any substance or material fact regarding the applicable code. The year of construction determines the code. As Director of DHNP he is tasked with knowing this.
    - Aware is a close relative of beware, "look out for." Julius Caesar is famously warned to "Beware the ides of March" (vocabulary.com)

which statement is a warning of forthcoming death .

- Statement: Paragraph 1: “pertains to a rental dwelling unit that was enrolled”

Response: (1) This statement is a gross misrepresentation of material facts

- DHNP did terminate me from the HCV Program. However, they did so during the time frame of my legal Stay of Proceedings granted to me through my February 14, 2019 appeal to the LBBCA. Thus, the termination was perpetrated in full breach of my rights as Appellant and in breach of my Stay.
- My Appeal to this Board is because I disagree with all actions taken by DHNP that have been based on the ongoing dispute of the applicable and non-applicable building code for my dwelling unit that the DHNP termination of me from the HCV program was based on
- It is a preemptive statement that all of my legal remedies to dispute the alleged building code violations and subsequent termination of me from the HCV Program is final. No final decision has been made. My legal rights have not been exhausted. To treat DHNP’s decision as final undermines the authority, jurisdiction and powers granted to this Board to hear my Appeal, rule on my Appeal and enter a judgement on my Appeal that could overturn DHNP and Director Friedman’s decision. No decision has been rendered yet as we are not at that stage in the legal Appeals process
- While Director Friedman makes it clear that he wants my Appeal of his DHNP to go away, it is out of his authority and jurisdiction now. He may not intercept, appropriate, obstruct, tamper with or in any way predetermine the outcome of my Appeal to this Board. The legal process is in action and Director Friedman must comply with said legal process until I have exhausted my legal remedies. When I have exhausted my legal rights then there will be a final decision on whether or not my unit was lawfully terminated or unlawfully terminated and whether or not it will be reinstated in the HCV Program, but not before.
- Due to the matter being in appeals from February 14, 2019 (Transmission Verification Report: sent at 16:15. duration 46 seconds. serial # U63314E4J686574. Receipt #2602819392. Local send. FedEx Office & Ship Centers. 729 First Colonial Road. Va Beach, Va 23451 Phone #: 757-417-0271). to present and ongoing, my rental housing dwelling unit at 309 Cedarwood Court, apartment 102, does not have a final decision on being out of the HUD Housing Choice Voucher Program of which the City of Virginia Beach Department of Housing and Neighborhood Preservation administers.

- 3 Statement: Paragraph 2: “Ms. Pakravan initiated contact with multiple state agencies at that time, including DHCD”

Response: (1) Director Friedman has made a statement about my private, protected and privileged actions without first verifying his statement with me.

- He enters his statement to this Board as a matter of ‘fact’ without providing any supporting evidence, witnesses, or proof of,
  - How he would have any knowledge of my private communication to whomever, whenever, about whatever especially who I reach out to?
  - Who the alleged “multiple state agencies” are,
  - Who at DHNP was allegedly contacted by those “multiple state agencies” and the names and titles of the alleged person(s) at the State agencies called

- By what method of communications did those alleged “multiple state agencies” communicate with Director Friedman or others at the DHNP and how frequently was it
- Why wasn’t this disclosed to me when I wrote my request for my entire file (Rule 34 Rules C.P) to Director Friedman on March 4, 2019 which he failed to comply with at all including my requested A.D.A. Reasonable Accommodation of mailing it to me via FedEx as the U.S.P.S. mailman throws my mail on the floor of the vestibule and I am disabled and cannot bend down to pick it up?
- Was this used in Director Friedman’s Ex Parte “Informal Hearing” when I wasn’t copied on it which under HUD Rules bars DHNP from using anything in my file when I have requested it and they have failed to comply with my request?
- Did the Director or any other employee at the DHNP act on those communications and if so, how did they act
- If the DHNP failed to act on those communication, to state why
- Produce the notes, letters, emails, transcriptions, faxes, electronic communications etc. with time/time date stamp with name, title, to and from whom and what was discussed of those alleged communications as the Director of the DHNP failed to copy me on those alleged communications that he alleges were by me
- I ask that the Board ask Director Friedman to explain, to the Board and to me, exactly what relevance of “multiple state agencies” has on his request to this Board to deny my Appeal and why is he deflecting instead of providing a factual legal argument for his request to dismiss?
- Director Friedman stated, “at that time”. without providing any timeline, date(s), or period of to what and when he is referring and any relevance to what he is requesting which is dismissal of my Appeal. Again Director Friedman digresses and deflects attention away from Mr. Harper whom he asserts is the one who directed DHNP in what to do.
- Director Friedman failed to state what he meant by this statement.
- I ask Director Friedman to clarify what he meant by his “at that time” statement and what the relevance of that statement is in regards to his asking the Board to deny my Appeal.

• Statement: Paragraph 2: “Staff discussed this case with Skip Harper from DHCD who recommended that we forego enforcement of the VMC violations and pursue a resolution through HQS.”

Response: (1) Director Friedman has introduced into his request to the Board to deny my Appeal, another person, who allegedly had communications about this case with an unnamed, undisclosed employee of the Department of Housing and Neighborhood Preservation who Friedman cites but fails to provide any substantial details on like date, time, name, title of his employee.

- Director Friedman failed to state:
  - When did this alleged communication and discussion about my case between Mr. Harper and the hidden and concealed alleged DHNP employee take place?
  - How did this alleged discussion take place? Was it on a phone, in a fax, in a messaging, in person, how? Where’s my copy? I’m supposed to be copied. I’m the Appellant. The Law stipulates that when there is an

Appeal to the LBBCA then the Appellant is to be copied on all communications. So where is it?

- What is the name and title of the undisclosed, unnamed alleged DHNP employee who was allegedly engaged in discussions about this case with Mr. Harper and upon what DHNP authority did this person have to discuss my case with Mr. Harper?
  - Who allegedly initiated the contact and discussion about “this case” with Mr. Harper?
  - What was the content of this alleged discussion with Mr. Harper?
  - Who at DHNP made a decision to act or not to act on the alleged discussion with Mr. Harper?
  - Director Friedman failed to state what exactly did he mean by his reference to “this case”, i.e.:
    - Was director Friedman referring to my LBBCA Appeal?
    - Was director Friedman referring to my Technical Review Board Appeal?
    - or was he referring to my HCV case that is in appeals?
    - Director Friedman provides vagueness and fails to provide anything of substance. He is Director of a City Government Agency wherein any and all communications by the government are Official. Therefore, when he alleges that a Department of Housing and Community Development, Division of Building and Fire Regulation, State Building Codes Office, Master Code Professional gave ‘someone’ in his office, in his official capacity, his word of “recommended”, then the ‘Who; Where; Why; How; and What’ have to be addressed because this is law and Government at the City level talking about a State Master Code Professional on a Federal Government Program. Vagueness is unacceptable. Director Friedman must be compelled to prove all parts of his statement concerning Mr. Harper.
    - Director Friedman’s ‘word’ is not legal. He will have to produce how he has shifted the action that was taken by his office, under his authority, onto The Department of Housing and Community Development, Division of Building and Fire Regulation, State Building Codes Office, Master Code Professional Mr. Skip Harper, whom Director Friedman now has put at the center of this Appeal by his assertion that DHNP abided by Mr. Harper and did not act on their own authority.
    - Director Friedman by his title is the Director of DHNP with a staff under him who he oversees to ensure their work, decisions, etc. It was his office who wrote to me on Government letterhead on March 8, by Marcus Williamson who copied Director Friedman and Wells Freed without any mention of Mr. Harper. Either it wasn’t disclosed or Director Friedman has made perjury in his Official Capacity on this Appeal to this State Board. I ask for concrete proof of communications with time/date stamp, names and facts. The vague word of DHNP Director Friedman is not in accord with law.
  - I further ask that this Board allow and request Mr. Skip Harper to address this statement made by Director Friedman about him
- 
- Statement: Paragraph 2: “Ms. Pakravan was notified that the city would not be pursuing enforcement under the VMC”

- Response: (1) Director Friedman’s statement is not accurate. Director Friedman falsified my Federal HCV file when he put this into it and has perjured himself in his Official Capacity to this Board
- The DHNP did indeed charge me by the VMC code as it was charged against me as follows:
    - “March 26, 2019 **Notice of Unit Inspection Failure** We have determined that the following corrective action(s) are required to place this unit in compliance with HUD Housing Quality and VMC standards
      - Living Room - 605.1 ELECTRICAL COMPONENTS, need access to all outlets, **correct wihtin withine 21 days-RE-INSPECT-02/15/2019**
      - Kitchen - 305.1 INTERIOR GENERAL., interior very cluttered, **correct within 21 days-RE/INSPECT 02/15/2019**
      - 3. General Health and Safety - 702.1 MEANS OF EGRESS, GENERAL., Windows are completely blocked creating a problem with ingress and egress, **CORRECTED WITHIN SEVEN DAYS-RE-INSPECT 02/01-2019].**
      - Sincerely, Rental Housing”
      - Frank Grice is listed as the Code Enforcement Inspector.
      - Marcus Williamson the DHNP Housing Programs Administrator, stated on his LinkedIn profile, “I aided in the development and delivery of subsidy programs designed to assist our ... disabled citizens with affordable housing options. I’m responsible for all operational functions of the Housing Choice Voucher Program including ... occupancy, ... informal hearings, inspection coordination and completion, staff performance, and training.
        - As such, Marcus Williamson is in charge of the Rental Housing section of DHNP and all of the above (5) listings. Then he would be the person who put in writing on City of Virginia Beach Letterhead stationary, on March 26, 2015, the failure of my dwelling unit to pass inspection using the USBC / VMC codes with their section numbers noting that if I just corrected these alleged VMC code violations then I would be in compliance with both the HUD Housing Quality and VMC standards.
        - He would also be the person who attached a Notice to Lynnhaven Landing of “Abatement Notification” whereby Frank Grice was the inspector who inspected this apartment unit on March 25, 2019 and who stated, “The Unit Is Still in Fail Status.” There is a statement of: “Your tenant is not responsible for abated HAP. Owners are prohibited by contract from attempting to collect HAP payments from the tenant. Additionally, housing assistance payments will not resume until the unit deficiencies are corrected and the unit passes inspection. Abated housing assistance payments will not be refunded.”
    - Alleged Violation “Living Room - 605.1 ELECTRICAL

COMPONENTS, need access to all outlets, **correct within 21 days-RE-INSPECT**”

- The 2015 Virginia Maintenance Code, Part III of the Virginia Uniform Statewide Building Code, Effective September 4, 2018, states: “**605.1 Electrical components.** Electrical equipment, wiring, and appliances shall be *maintained* in accordance with the *applicable building code*.
  - “Need Access to All Outlets” is not listed as a violation of this VMC Code. It is simply a matter of testing the electrical outlet. Robert L. Etheridge chose not to test the electrical outlet that was about 6" from his arm, another one about 6" from his leg and so forth. He made a decision not to test them, which is not a violation, is not our fault, but is solely a decision on his part.
  - He failed to use the correct and legal applicable maintenance and fire code for this building which is the VPBSR code
- Frank Grice is listed as the Code Enforcement Inspector.
- 2015 Virginia Maintenance Code, Part III of the Virginia Uniform Statewide Building Code Effective September 4, 2018, section 101 General states: “103.4 Rental inspections. In accordance with § 36105.1:1 of the Code of Virginia, these provisions are applicable to rental inspection programs”
- Alleged Violation Kitchen - 305.1 INTERIOR GENERAL., interior very cluttered, **correct within 21 days-RE/INSPECT 02/15/2019**
  - The 2015 Virginia Maintenance Code, Part III of the Virginia Uniform Statewide Building Code, Effective September 4, 2018, states: “**305.1 General.** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound, and in a sanitary condition”
    - This code does not list a violation of “Kitchen Clutter”
    - Our kitchen is a galley kitchen and not many appliances can fit on small counters. Both my daughter and I are disabled. I cannot stoop, bend, squat, kneel, or the like in order to pull out from the cabinets, pots, pans, and wok in order to prepare our meals on a daily basis. I place my wok and a pot and a pan on top of the stove until I am ready to cook and then I remove the other cooking pans to the counter. This is not “clutter” it is accommodation for the disabled person and is protected by Federal, State, and local laws for the disabled. However, even with that accommodation for myself, my galley kitchen is not “cluttered” as I do not even have on the counters or stove, a coffee pot, a tea pot, toaster, juicer, blender, chopper, bread box, paper towel holder, spice rack, etc. that an average kitchen holds. Thus for even a disabled person who accommodates herself for her disability, my kitchen is not “cluttered” on the counters, the stove, the floor. There is no hallway in the kitchen as it is a galley kitchen.
  - Frank Grice is listed as the Code Enforcement Inspector.
- Alleged Violation 3. General Health and Safety - 702.1 MEANS OF EGRESS, GENERAL., Windows are completely blocked creating a problem with ingress and egress, **CORRECTED WITHIN SEVEN DAYS-RE-INSPECT 02/01-2019**.
  - The 2015 Virginia Maintenance Code, Part III of the Virginia Uniform Statewide Building Code, Effective September 4, 2018, states: 702.1

- does not exist in this code.
- The 2015 Virginia Maintenance Code, Part III of the Virginia Uniform Statewide Building Code, Effective September 4, 2018, states: “702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction”
- The 2015 Virginia Maintenance Code, Part III of the Virginia Uniform Statewide Building Code, Effective September 4, 2018, states: “702.3 Doors. Means of egress doors shall be maintained and, to the extent required by the code in effect at the time of construction”
- Frank Grice is listed as the Code Enforcement Inspector.
- In the January 28, 2019 Notice of Building Code Violation, authored by Frank Grice, Code Enforcement Inspector II he wrote: “In accordance with Section 104.5.4.2 of the Virginia Maintenance Code, you are hereby notified to correct the violation(s) within the number of days indicated on the enclosed inspection report. Failure to comply with this notice shall result in the appropriate proceedings at law being instituted to obtain compliance.”
  - 2015 Virginia Maintenance Code, Part III of the Virginia Uniform Statewide Building Code Effective September 4, 2018, Section 104 Enforcement, Generally **Mobile Home Parks** Section 104.5.4.2 of the Virginia Maintenance Code does not exist. Frank Grice wrote a code which does not exist and which would come under Manufactured home parks and not multifamily residences.
  - VMC Section 104.5.4 is a code for Manufactured home park tenant notification.
    - 104.5.4 Manufactured home park tenant notification. If a notice of violation is issued to a manufactured home park owner for violations of this code that jeopardize the health or safety of tenants of the park, a copy of the notice shall be provided to each affected tenant of the manufactured home park. The terms, "manufactured home park" and "owner," as used in this section, shall be as defined in the Manufactured Home Lot Rental Act (Chapter 13.3 (§ 55-248.41 et seq.) of Title 55 of the Code of Virginia).
  - Frank Grice cited the wrong code.
- In the January 28, 2019, Notice of Building Code Violation, author by Frank Grice, Code Enforcement Inspector, wrote, “Section 106.5 of the Virginia Maintenance Code provides for appeals concerning the application of this code or the refusal to grant a modification to the provisions of this code covering the manner of construction or materials to be used in the erection, alteration, repair or maintenance of a structure. Appeals shall be submitted to the Building Code Board of Appeals within 14 days. Appeals should be addressed to the board, in care of this office).”
  - 2015 Virginia Maintenance Code, Part III of the Virginia Uniform Statewide Building Code Effective September 4, 2018 “Section 106 Unsafe Structures or Structures Unfit For Human Occupancy, it states: “Section 106.5 Posting of notice. If the notice is unable to be issued by personal service as required by Section 106.4, then the notice shall be sent by registered or certified mail to the last known address of the responsible party and a copy of the notice shall be posted in a conspicuous place on the premises.”

- VA Code §36-105 states, “Any person aggrieved by the local building department’s application of the Building Code may appeal to the local Board of Building Code appeals”
- 2015 Virginia Maintenance Code, Part III of the Virginia Uniform Statewide Building Code Effective September 4, 2018: SECTION 107 APPEALS 107.1 Establishment of appeals board. In accordance with §36-105 of the Code of Virginia, there shall be established within each local enforcing agency a LBBCA. Whenever a county or a municipality does not have such a LBBCA, the local governing body shall enter into an agreement with the local governing body of another county or municipality or with some other agency, or a state agency approved by DHCD for such appeals resulting therefrom. Fees may be levied by the local governing body in order to defray the cost of such appeals. The LBBCA for hearing appeals under the VCC shall be permitted to serve as the appeals board required by this section.
- Frank Grice cited the wrong code for the fifth time.
- 2015 Virginia Maintenance Code, Part III of the Virginia Uniform Statewide Building Code Effective September 4, 2018: “Chapter 2 Definitions
  - Change Section 201.5 of the IPMC to read: Add the following definitions to Section 202 of the IPMC to read: Applicable building code. The local or statewide building code and referenced standards in effect at the time the building or portion thereof was constructed, altered, renovated or underwent a change of occupancy. See Section 103 for the application of the code.”
  - “Maintained. To keep in an appropriate condition, operation, and continuance as installed in accordance with the applicable building code, or as previously approved, and in accordance with the applicable operational and maintenance provisions of this code”
- The Virginia Beach Building Maintenance Code is in accordance with the provisions of the Virginia Uniform Statewide Building Code (USBC) for Existing Structures. The Housing and Urban Development Housing Quality Standards (HQS) has been combined within the use of the local building code used by City Code Enforcement Inspectors from 2012, when my daughter and I moved into the Lynnhaven Landing Apartment, until present day, as my apartment unit passed the annual inspections every year by the City Inspectors who have had a policy, pattern, and practice of combing the local building maintenance with the HQS.
- **Housing Quality Standards 24 C.F.R. §982.401(a)(2)(i)**the HQS consists of (A)Performance requirements and (B) Acceptability criteria or HUD approved variations in the acceptability criteria while **24 C.F.R. §982.401 (a)(4)(iii)(A)** Acceptability criteria variations may only be approved by HUD pursuant to paragraph (a)(4)(ii) of this section if such variations either (A) meet or exceed the performance requirements or (B) significantly expand affordable housing opportunities for families assisted under the program. As Virginia Beach used the VPBSR prior to 1981, then this code met the HQS performance and acceptability along with variations in the acceptability criteria.
- According to 24 CFR 982.401(4)(A)], the DHNP adheres to the highest acceptable criteria in the program regulations and has adopted, where applicable, the local codes of: The Uniform Statewide Building Code, it’s Part III section of The Virginia Maintenance Code, and City of Virginia Beach

Property Maintenance Code, where all codes exceed HUD's HQS performance requirements. All three building maintenance codes refer to the year of construction for the applicable building code for inspection of property. The applicable building code for inspection of Lynnhaven Landing and this dwelling unit is the Virginia Public Building Safety Regulations (VPBSR) building and maintenance code. The VPBSR exceeds the HQS performance requirements.

- Thus Andrew Friedman has admitted in writing to using the wrong inapplicable code as has his Rental Housing Staff go to person, Marcus Williamson who alleges on LinkedIn to have total oversight. Yet DHNP inspectors are issuing citations that are all invalid and unlawful because of their multiple failures as code inspectors to properly cite code, cite the correct code number for the alleged violation, and to find and apply the applicable building code according to the year of construction of the property that they are tasked with inspecting. Since they are all under the direction of Andrew Mitchell Friedman and this is how he has allowed The City of Virginia Beach Department of Housing & Neighborhood Preservation to function, as an office independent of law, then the question must be turned back to him as to why aren't his code enforcement inspectors properly performing their mandated job duty; when they fail to properly execute their job duties, what remedy/remedies does he have in place for mandatory re-training/ what policy to ensure correct code application and execution of citations is in place at the DHNP or is there none?
- Ashley (Wells) Freed is the Code Enforcement Administrator. It is her mandated duty to ensure compliance by all DHNP Code Inspectors with the proper legal administration of conducting inspections, issuing of citations and enforcement of those citations. When the inspectors have failed to cite the building code correctly, apply the building code with the year of construction, fail to check or oversee and guide their fellow code inspectors when they err, then she has failed in her mandated job duty to the citizens of The City of Virginia Beach as have the code inspectors under her, Director Friedman, The Department of Housing & Neighborhood Preservation and City Council who oversees the functioning of this office. The people then become the victims of rogue code enforcement whereby code numbers do not match the alleged violations, code violations procedures are not properly disclosed to file an appeal, appeals are intercepted and obstructed so as not to fight the Virginia Beach Code Inspector, and the applicable building code is not applied with the year of construction. Since this Department oversees every structure in The City of Virginia Beach, how many errors have there been in the 33,000 code citations issued by DHNP yearly and how many victims of this unchecked agency exist such as myself?
- Proof of the failure to properly train, enforce code, re-train or send for continuing education any code inspector at DHNP who errs, is evident on my Appeal. Robert L. Etheridge failed in his mandated duty to use the applicable building code which DHNP has never addressed. Etheridge should have been counseled by the Code Enforcement Administrator, Wells Freed or by Marcus Williamson, the Housing Program Administrator, as to his error. Etheridge should have been educated on how building codes are applied with the year of construction of the unit and how non-applicable codes that did not come into force until over a year later, cannot be used. He should have been sent for re-training or continuing education. If he is no longer able to properly perform his job duty then perhaps early retirement or some other option so as to ensure that the citizens of The City of Virginia Beach are receiving quality, accurate and honest code inspecting services from their City Code Inspectors. To my knowledge, it wasn't done.
  - Marcus Williamson is the DHNP Housing Program Administrator who has stated on LinkedIn, that he "aided in the development and delivery of subsidy programs designed to assist our veterans and disabled citizens with affordable housing options."
  - The DHNP, Director Andrew Friedman, Marcus Williamson, Wells Freed, code

enforcement inspector Robert L. Etheridge, code enforcement inspector Frank Grice and others are fighting furiously to disable all avenues of terminating my Housing Choice Voucher and my participation in the HUD Housing Choice Voucher Program, from renting affordable housing anywhere and working in concert with Crissie Willoughby-Benoit to issue known false and fraudulent self help evictions to force me out of my legally acquired affordable dwelling unit when I am 75 years of age, disabled, with an adult disabled daughter. They are all seeking to make my family of my disabled daughter and myself homeless, with the threat of the street robbery, rape and murder that happens when two women are constructively forced into homelessness. Marcus Williamson is in conflict with what he says he does and what he actually is doing.

- Marcus Williamson continues to state: “As the programs administrator, I’m responsible for the administration of various rental support programs from various funding sources including HOME, CDBG, and state agencies. I’m responsible for all operational functions of the Housing Choice Voucher Program including waiting list management, occupancy, administrative plan revisions, SEMAP reporting, fraud management, informal hearings, strategic planning and utilization management, the Family Self Sufficiency program, VASH, several project based voucher contracts, inspection coordination and completion resident advisory board participation, tenant/participant communications, staff performance, and training.
- As Williamson publicly and freely states that the Director Andrew Friedman and the DHNP has made hm in charge of “inspection coordination”, then he must take the overall responsibility for the incompetence and non-compliance with the applicable building code, Virginia Code, and the Uniform Statewide Building Code adopted by the City of Virginia Beach in 1981 of the code enforcement inspectors.
- Virginia Beach City Code Inspectors’s Inspections of City of Virginia Beach Ordinance Sec. 16-12.1, proclaimed rental inspection districts, which are composed of “either (a) blighted or in the process of deteriorating, or (b) the residential rental dwelling units are in the need of inspection by the code enforcement administrator to prevent deterioration,” building owned by an IRS declared non-profit \$495 million dollar company, Community Housing Partners, who owns Lynnhaven Landing, inspections of HUD Housing Choice Voucher participant occupants rental dwelling units , along with the seven (7) or so houses owned by City Code Inspector, Frank Grice, the island home of Andrew Friedman or the Ocean Front hotels, million plus dollar homes, motels and restaurants, by City Inspectors are to be equal, unbiased, according to applicable building codes and in compliance with due process of law and equal protection of the law.
  - Inspectors Etheridge and Grice have proven by their actions, by written City of Virginia Beach Government documentation, to have failed to be unbiased, to be unknowledgeable about the correct applicable building maintenance code, to apply the correct applicable building maintenance code to the ‘errors’ that they claim happened.
  - Inspector Grice has committed perjury on an official City of Virginia Beach Government document wherein on March 26, 2019 is it written that he entered this apartment which is occupied by my daughter, Autumn Pakravan and myself, both disabled, inspected it, and declared **“A unit re-inspection occurred on March 25, 2019 between the hours of 8:00 am and 2:00pm. THE UNIT IS STILL IN FAIL STATUS.”** The City of Virginia Beach City Code Enforcement Inspector, Frank Grice, was not allowed into this apartment. He came to this apartment with another person from DHNP and with Tay a Lynnhaven Landing Maintenance employee. These people were later joined by Nona Hipp, Regional Manager for Community Housing Partners, who all sought entry into this apartment, but who were all denied entry. There was an Appeal made by me, Janett Fisher Pakravan, on February 14, 2019 to the LBBCA in effect, which came with it an automatic Stay of Process, stopping all activity relating to the inspection of January 25, 2019 by inspector Robert L.Ethridge. That Stay of Process,

stopping all actions, had not been lifted by me, by the LBBCA, by a court action or a Federal or State government. That Stay of Process barred Grice, Tay, Hipp and whoever the other DHNP person was from entering this apartment. It also barred Shawnti Todd , a DHNP administrative assistant from being at my apartment which was proven by a yellow door tag she left on my door knob.

- City of Virginia Beach Code Inspectors’s Inspections include inspections in accordance to the City of Virginia Beach Ordinance Sec. 16-12.1, which proclaimed rental inspection districts, which are composed of “either (a) blighted or in the process of deteriorating, or (b) the residential rental dwelling units are in the need of inspection by the code enforcement administrator to prevent deterioration.” The Code Enforcement Administrator according to City of Virginia Beach Ordinance Sec. 16-2 - Definitions. *Code enforcement administrator* means the code enforcement administrator of the Department of Housing and Neighborhood Preservation. That person is Wells Freed, who sits on the LBBCA as a City Staff Liaison along with Andrew Friedman who is designated also as a City Staff Liaison person. As Wells Freed is the person to inspect Lynnhaven Landing apartment complex, since it is a blighted and deteriorating 47 year old building, then she would be on friendly terms with the owners and with Crissie Willoughby-Benoit.
- The City of Virginia Beach Ordinance Sec. 16-12.3. - on Notification. After the designation of a rental inspection district or the designation of an individual residential rental dwelling unit, the code enforcement administrator shall make reasonable efforts to notify all owners of residential rental dwelling units located within the designated rental inspection districts and to the owners of individual residential rental dwelling units so designated, or their managing agents, of the adoption of the designation ordinance. (b) The owner of any residential rental dwelling unit located within an inspection district shall, no later than sixty (60) days after the date of adoption of the ordinance, notify the code enforcement administrator in writing of any property that is used as a residential rental dwelling unit.
- There are multiple non-business relationships between DHNP and Community Housing Partners /Lynnhaven Landing. These interwoven relationships could have spurred Robert L. Etheridge to do as someone at Lynnhaven Landing asked him to do and that was to fail our apartment in order to get us off of the Housing Choice Voucher and the Housing Choice Voucher Program. Etheridge is related to 25 Thourogoods, 49 Casons, 49 Etheridges, as listed on Robert L. Etheridge’s Facebook account. With related to 49 Casons he should be related somehow to Warnette Cason. Robert L. Etheridge is related or associated with on his Facebook page and on these people’s Facebook page so there is a definite relationship between these people outside of business for both sides. Robert Etheridge is associated with Lynnhaven Landing as an inspector and as friends with the head of maintenance at Lynnhaven Landing and with the Regional Manager of Community Housing Partners which company owns Lynnhaven Landing. See below for explanation.
- Thus Wells Freed and Crissie Willoughby-Benoit property manager and agent for Community Housing Partners’ Lynnhaven Landing are on a first name basis and are in cooperation with one another. Willoughby-Benoit is fully aware that this property is a blighted property or one that is deteriorating to become a blighted property. As Community Housing Partners is a big support of having low income families and families with Housing Choice Vouchers on the property, they have become an avenue of resource for housing or people for the City of Virginia Beach and for the Department of Housing and Neighborhood Preservation. The DHNP would not want to see Lynnhaven Landing become embroiled in any reporting of their failure to be in compliance with code violations, housing violations, ADA violations and the like. The DHNP and Lynnhaven Landing would stage a joint effort to get rid of anyone who dares to report their crimes outside the realm of Virginia Beach.

- Robert L. Etheridge, code inspector who failed our apartment is friends outside of work with Thomas Benson head of maintenance at Lynnhaven Landing.
- Thomas Benson is friends with the daughter of Nona Hipp outside of business and with Tay outside of business.
- Tay is trusted by Crissie and DHNP to accompany Frank Grice to do inspections at times when he comes on property
- Shawnti Todd is friends enough with Nona Hipp, Frank Grice, Tay to come onto property, to trespass at my apartment door as a DHNP administrative assistant and put a door tag on my apartment door stating she was sorry she missed me.
- Wells Freed is inspector of property of Lynnhaven Landing and friendly with Crissie.
- Robert L. Etheridge has Pearl Cason Temple as his Facebook friend. Pearl Cason has Robert L. Etheridge on her Facebook page three times as her friend.
- Pearl Cason is Facebook friends with John Bell, the former Deputy Chief of Police, who was running for Sheriff of Virginia Beach in 2017. John Bell is Facebook friends with Andrew Friedman and Friedman's friend Chris Boynton.
- Robert L. Etheridge > Pearl Cason Temple > John Bell > Andrew Friedman > Chris Boynton
- Nona Hipp > Thomas Benson > Robert L. Etheridge > Patricia "Tricia" Crawford
  - Patricia Crawford **Housing Programs Coordinator**, FSS Coordinator at City of Virginia Beach, Department of Housing and Neighborhood Preservation, Section 8 Division (Housing Choice Voucher Program)
  - Patricia Crawford has an outside job as VP of Land Acquisitions for **Dwellings Development Co. Va. Beach, VA**
    - December 10, 2014 meeting with Crawford and Cason about report to police about gang on property, tenant on property who happened to be African-American who stalked my daughter; the lack of handicapped parking; the washed check by Crissie; the gangs on property; the letter hand delivered by my daughter and I to Crissie about a tenant who was stalking my daughter on property; etc. shining of lights into our bedrooms, noise harassment, etc.
    - Head of Maintenance Thomas Benson is a member of the men who came nightly to our windows to peep into our windows through the small slit in the blinds which hold up our plantation blinds. Look through one of the slits and you will find out just how much you can inside or outside someone's apartment or single family home. Plantation Blinds are dangerous in that they allow so much empty space for criminals to look through.
- **Robert L. Etheridge**, > Pearl Cason Temple > Doris Etheridge Hensley > **Nona Hipp**. Nona Parsons Hipp (Adkins)
  - Nona Hipp is such good friends with Doris Etheridge Hensley that she calls



Etheridge, Andrea Cason, Brenda F. Cason Abraham Cason, Darrell Cason, Larry Owens, and Brian Cason owns a property as of June 1, 2017 of

- Public Hearing was held on August 9, 2017 at the City Council for a request for rezoning Rezoning (AG-2 Agriculture to R-10 Residential) . The request for rezoning was approved for a change of the area from Agriculture to Residential.
- Location of the property: West side of Seaboard Road, approximately 1,500 feet south of Nimmo Parkway Existing Land Use and Zoning District Undeveloped wooded site / AG-2 Agricultural
  - GPIN 2404554240
  - Site Size 43,304 square feet
  - AICUZ 65-70 dB DNL; Sub-Area 2
  - Watershed Southern Rivers
- **Background and Summary of Proposal** Under R-10 Residential zoning, based on the configuration of the existing parcel, and the available frontage on Seaboard Road, the site could be subdivided into two single-family lots. As a depiction of how the lot might be subdivided, the applicant submitted a plat showing two lots
- Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
  - **Warnette Cason**, Valerie Cason, and Gary Cason (property co-owners.)
  - 20170809-PLN-CUR-06-EddrickCoreyCason

- Therefore, I say that I believe there to be a Conflict of Interest in the inspection of my apartment with the resultant alleged code violations, termination of me from the Housing Choice Voucher, termination of my Housing Choice Voucher; our telling Crissie Willoughby-Benoit that we have to speak with HUD parties before we can allow the inspection of our apartment unit.
  - DHNP approved the window bars on Community Housing Partner's office on property but failed my unit alleging that I had no egress when I am on ground floor and about 15 feet from front door and sidewalk and have easy egress in accordance to Code.
  - DHNP approved the Lynnhaven Landing model apartment which has the bed right up underneath the window seal as my bed is, but failed my apartment
  - DHNP approved the poor grading of Lynnhaven Landing where the water pools in front of the apartment building door, on the sidewalk, on the street, at the garbage dumpster
  - DHNP approved the cut window screens, the vandalism of the laundry room with slash marks all over the walls and doors with writing on the building. etc.
  - DHNP approved Lynnhaven Landing without handicapped parking
  - DHNP approved the dumpster that has not been washed since before we moved in.
  - DHNP approved the foundation having openings where the soil have been eroded due to poor grading.

- As this apartment complex was built in 1972, then the applicable maintenance inspection code must be used by the code enforcement inspectors. The correct and applicable Maintenance and Fire Prevention Code for this 1972 constructed multifamily apartment building is the Virginia Public Building Safety Regulations (VPBSR) which was in effect from 1949 to Sept 1, 1973. The Uniform Statewide Building

Code (USBC) is to be used for buildings for which plans were completed and the building permit issued after September 1, 1973 (Virginia Code §36-98).

- The City of Virginia Beach under Section 8-26 of The Code adopted the USBC (VMC) in 1981, ten (10) years after Lynnhaven Landing was constructed with permit. The Virginia Fire Safety Regulations (VFSR) was adopted by the Virginia Board of Housing and Community Development, for new buildings built after July 16, 1982 which do not apply to Lynnhaven Landing.
- The Virginia Statewide Fire Prevention Code (VSFPC) was adopted under laws §27-30 through §27-101 in 1986. The Virginia Statewide Fire Prevention Code (VSFPC) is arranged in two parts: Part one consists of Articles 1 through 7 and applies to buildings erected after April 12, 1949 and up to September 1, 1973. Part two applies to buildings erected before April 12, 1948 and consists of Articles 11 through 17. Part one applies to Lynnhaven Landing as it was built after April 12, 1949 and before September 1, 1973. The VSFPC states, “ Maintenance Requirements for Existing Buildings which are regulated to be maintained in accordance with the building code that was in effect at the time the building was constructed and with the requirements of any applicable maintenance provision of Virginia’s fire code. This means that many conditions identified in an older building that may not be in full compliance with today’s codes, is acceptable because these conditions were okay at the time the building was constructed.
- The Determination of Maintenance Requirements for an existing building, requires the inspector to know the applicable codes that were in effect at the time the building was built and what it was used for at that time which is provided on the Certificate of Occupancy (13 VAC 5-63-160 §116). Lynnhaven Landing was built with permit in 1972 for a multifamily apartment and has remained such for the past 47 years. The Virginia Beach Office of Permits and Inspections cover the enforcement of the Uniform Statewide Building Code (USBC) and has a database of Certificates of Occupancy for each building in Virginia Beach.
- The Zoning Division department and The Permits and Inspections department are both located at 2405 Courthouse Drive, Municipal Center Building 2 Virginia Beach, VA 23456.
- Andrew Friedman, Director of the Housing and Neighborhood Preservation, has his office at the Municipal Center Bldg 21, located at 2408 Courthouse Drive Room 144, Virginia Beach, Va 23456. Andrew Friedman has to walk from his office at Courthouse Drive a distance of 0.2 of a mile, which takes 3 minutes (Google Maps), in order to get to the Zoning Division and to the Permits and Inspections Building to obtain the property card showing the year that Lynnhaven Landing was built. Then he must apply the applicable building code of VPBSR to inspect this building. The USBC and its Part III VMC codes are not applicable. Both refer to the year of construction of the building for maintenance code applicability.
- The Department of Housing and Neighborhood Preservation is located at 2424 Courthouse Drive #18A Virginia Beach, Virginia 23456. The code inspectors at DHNP have to walk from their office a distance of 0.2 of a mile, which takes 4 minutes (Google Maps), in order to get to the Zoning Division and to the Permits and Inspections Building which is Building number 2 at 2405 Courthouse Drive. Then the code enforcement inspector is obligated to use the correct applicable building code to inspect this apartment and he chose not to do.
- This illustrates that it was never the intent of Friedman or any of his staff to obtain proof of the year of construction of the unit that his department failed, as his office is in such close proximity to the Offices of the Permits and Inspection and of the Zoning Office that it is effortless to travel there to obtain proof of the year of construction in order to apply the correct lawful and applicable building code.

My appeal to the LBBCA has not been lifted. Filing my Appeal to the State Technical Review Board has given me a second Stay of Process where the Appellees are barred from their adverse actions against me. The Housing Provider, Lynnhaven Landing had a HAP contract with DHNP for a portion of the rent. DHNP failed to meet their obligation under the HAP of which I am not responsible for.

Due to my Appeal to the LBBCA, and the stopping of all actions against me, my dwelling unit was not legally disenrolled in the HCV program. Andrew Friedman knew that my Stay was not lifted. He was not legally entitled to terminate my HCV nor to terminate me from the HCV Program. Furthermore, a Fair Housing Complaint was made against DHNP under Director Friedman with other named Defendants on April 30, 2019 the very day that DHNP under Director Friedman retaliated against me by terminating me from the HCV Program, failing to abide by Federal Law that prevents retaliation for filing a Fair Housing Complaint, failed to pay the City's contracted portion of the rent to the landlord.

Friedman chose not to pay the landlord the written contracted Housing Assistance Payments (HAP) of the DHNP share of rent which is tied to the HCV Program and of which directly affects me, the HCV participant and the landlord. The landlord acted unlawfully and aggressively in retaliation for her being named in my Fair Housing Complaint with others on April 30, the very day that she began her 5 Day notices of failure to pay rent which is retaliation for filing FHEO. She and served several eviction notices to me of which Andrew Friedman and the DHNP are the proximate cause of. We paid our rent on April 4, 2019, the landlord cashed it on April 10; we paid our May rent on May 5, and the landlord cashed it May 8, 2019 the same day she served us with a second unlawful 5 day notice of failure to pay rent. We paid our June rent on June 4 and the landlord cashed it on June 10. June 11, 2019 I copied her on my Appeal to the Board and my Motion to Dismiss her Unlawful Detainer of May 14, 2019 and in an hour she retaliated with a 3<sup>rd</sup> 5 Day notice. and on June 12 there was a court date as the landlord brought an Unlawful Detainer to the court and the judge refused to accept my motion to dismiss and other motions and issued a Default Judgement which is illegal as the landlord and the DHNP were parties to my Appeal to the LBBCA and were legally barred from any further adverse actions against me.

I am two days away from losing my home due to the illegalities of Andrew Friedman and the DHNP, an inspector who chose to use the wrong code, chose to issue violations that were never violations and a landlord who followed suite based on the lawless actions of Friedman.

Andrew Friedman refuses to accept fault and correct his unlawful actions.

Andrew Mitchell Friedman, has with intent, failed to comply with laws of the USBC that when I applied for an Appeal of his inspection "violations", with the LBBCA, I was given a Stay of Process, meaning that neither he nor his inspectors could inspect my apartment, write threatening letters to me, terminate me from the Housing Choice Voucher Program and Terminate my Housing Choice Voucher, nor could he stop paying the rent until after the Board had made their decision.

When there is a Stay, no party can ramrod any adverse action against the other party. It is law. The Boards are part of the Executive Branch of Government with full authority to make decisions. Andrew Mitchell Friedman refuses to be in compliance with the USBC.

Andrew Mitchell Friedman has, with intent and purpose, failed to state to this Board, that my Appeal to the LBBCA was made on April 14, 2019, and that under that Appeal, neither he nor his inspectors nor staff could legally:

- Alter the USBC's Part III building maintenance code
- Remove the code from their alleged Notice of Failure
- Remove the Code's section number, leave the contents and add to the contents and call it HSQ when the

- HSQ had been part of the code since 2012
- Alter the reason why they had failed my apartment
- Implement new reasons to fail my apartment
- Steer me away from how to properly file an appeal
- Impersonate me and declare that I had only asked for an Appeal of their alleged violations of Kitchen Clutter when my Appeal was that I denied all three of the violations they had cited me with under the VMC and HQS
- Come to my apartment
- Inspect my apartment
- Send administrative personnel to my apartment
- Communicate with me outside of the LBBCA

Director Friedman perjured himself to Mr. Luter and to the State Board of Technical Review as he claimed that the DHNP did not pursue VMC, yet in a DHNP letter dated March 26, 2019, it was written that I was terminated for VMC violations and HQS violations.

I, Janett Fisher Pakravan, with the instructions given to me by Frank Grice, Code Inspector for the Department of Housing and Neighborhood Preservation, which instructions were flawed, filed an Appeal to the Local Board of Building Codes (LBBCA) on February 14, 2019 and with that Appeal filing, I was, and am, protected by law from the crimes perpetrated by Director Andrew Friedman, his staff and the DHNP. I have a legal and Constitutional right to have this Board grant my Appeal and provide to me due process and equal protection of my rights to petition the government for redress of grievances done to me.

Substantial Evidence supports my argument that this case was brought in an appropriate forum and that there must be a consideration of and a waiver of the requirements of Code of VA §36-105 in order to prevent a miscarriage of justice and denial of Constitutional rights as there is a direct causal link between the Appellee's unlawful criminal actions and the absence of a final determination by the LBBCA prior to my filing my appeal in this forum as has been noted in this Response to the Appellee's Request for a denial of my Appeal to this Board.

The Substantive Due Process Doctrine states that the due process clauses of the Fifth and Fourteenth Amendments of the United States Constitution requires judicial, including Formal Hearing actions, to be fair and reasonable in content as well as in application. The Substantive Due Process Doctrine is the constitutional guarantee that no person shall be arbitrarily deprived of his property without due process of law.

The essence of substantive due process is protection from arbitrary and unreasonable government action such as obstruction of my filing an Appeal Request to the LBBCA for a formal hearing at the LBBCA and denial of my property of my Housing Choice Voucher. Director Andrew Mitchell Friedman, among others, knows what happened to my February 14, 2019 Filing of my Appeal to the LBBCA and why in six months, I have not been notified by the LBBCA of anything. Andrew Friedman and the DHNP made sure that I would be deprived of my due process rights.

A case is moot if the relief requested by a litigant can no longer be granted, rendering any determination by a court merely advisory. In describing the Mootness Doctrine, the Supreme Court has observed, "[w]hen it appears . . . that there is no actual controversy between the litigants, or that, if it once existed it has ceased to do so, it is the duty of every judicial tribunal not to proceed to the formal determination of the apparent controversy, but to dismiss the case." *McCarthy Holdings LLC v. Burgher*, 282 Va. 267, 275, 716 S.E.2d 461, 465 (2011) (quoting *Hankins v. Town of Virginia Beach*, 182 Va. 642, 643, 29 S.E.2d 831, 832 (1944)).

Director Andrew Friedman was not successful in his attempt to make moot my Appeal to the LBBCA and to this Board. His responsibility lies within the March 8, 2019 dated letter of Marcus Williamson (enclosed copy). That

responsibility is the removal of the code section numbers of the USBC-VMC code in an effort to craft a scheme designed to make moot my Appeal, but keep the contents of the codes with additional violations added, purporting to be HSQ violations, The goal seems to be that Director Andrew Friedman and his DHNP could contain me from filing to any authoritative body who would know the criminal acts Director Friedman and his DHNP intentionally did to me.

Director Friedman is continuing to obstruct legal process (18 U.S.C. A §1501 et seq) by attempting to blame someone else for his and his department's unlawful actions and have caused immense needless suffering, fear, and terror to two disabled adult women and in addition to me, as an elderly female. It is abuse of the elderly, the disabled, and of women.

The State Building Code Technical Review Board has jurisdiction over my Appeal, to hear it, to decide upon it and to not remand it back to the LBBCA as any appeal to the LBBCA by me will be blocked or intercepted in some way by Andrew Friedman and his DHNP.

Director Andrew Mitchell Friedman has failed to make his case for requesting this Board to deny my Appeal.

Thank you.

Janett Fisher Pakravan

## City of Virginia Beach

Department of Housing and Neighborhood Preservation  
MAIN (757) 385-5750  
FAX (757) 385-5766  
TDD (757) 385-5794  
March 8, 2019

VBgov.com  
Municipal Center  
2424 Courthouse Drive Building 18A  
Virginia Beach, Virginia 23456-9083  
Vbgov.com/dept/housing

Janet Pakravan  
309 Cedarwood Court  
Apt 102  
Virginia Beach, VA 23454

Dear Ms. Pakravan,

I'm writing to you in an effort to address what I believe is a misunderstanding and to ensure that you understand our unit inspections process and your responsibilities as a program participant.

As a participant in the Housing Choice Voucher Program (HCV), your unit is subject to an annual unit inspection. We conduct an inspection to ensure that each subsidized unit meets specific housing quality standards. When conducting an inspection we operate under a process where both the Housing Quality Standard (HQS) requirements and the Virginia Maintenance Code (VMC) regulations are recognized.

Your unit was inspected in 2017 and was subsequently placed on a "biennial inspection schedule". Under that policy, we did not schedule an inspection during the 2018 year. In accordance with our biennial inspection schedule policy, your unit is due for an inspection this year (2019). Several areas were cited as failing to meet HQS requirements and VMC guidelines, during the January 25, 2019 annual unit inspection. The deficiencies listed below caused the unit to fail the required annual Housing Quality Standards (HQS) inspection and must be corrected to be in compliance with the requirements of HUD policy:

### **Living Room and Other Rooms; Bathrooms; General Health and Safety:**

- Large furniture blocking access to electrical outlets and windows. The inspector was unable to check/test the following:
  - Electrical outlets for safety hazards, required number of outlets and proper functionality. Tape has been installed over electrical equipment which could cause a fire.
  - Windows throughout the unit for: 1) hazards - ensuring windows stay up and in place with existing hardware, 2) security - ensuring windows lock properly, and 3) overall condition - windows are weather tight and functioning properly. In case of an emergency, these ground floor windows are weather tight and functioning properly. In case of an emergency, these ground floor windows could be needed fire exists or used for fire rescue purposes.
- Unable to inspect bathroom for required fixtures, plumbing leaks and overall condition.
- Excessive clutter and storage of items inside the unit and hallway area. A clear, unobstructed mean of egress to the exterior of the building is required in case of an emergency.

You have requested an appeal of the clutter under the VMC guidelines. We reviewed your case and determined that we will not pursue enforcement under the Virginia Maintenance Code. These violations however, remain fully enforceable under HQS guidelines. Consequently, you may not appeal the citations under HUD's HQS guidelines 24CFR 982.555(b)(6).

Your unit will be scheduled for a re-inspection and is subject to the abatement of housing assistance, and should you fail to remedy the identified citations within the specified timeframe, you are subject to further action including termination from the house choice voucher program. I ask for your cooperation to bring your unit back into compliance with HQS standards so that we may close out this issue quickly (24CFR982.551 (4)(c)(d)).

Regards,

Marcus Williamson  
Housing Program Administrator

cc: Andrew Friedman/Director  
Wells Freed/Code Enforcement Administrator  
Lynnhaven Landing Apartments

Note: As to the insertion of additional items into the DHNP's 'violation' list to me sent in the letter dated March 8, 2019 by Marcus Williamson, I deny all that he wrote.

Living Room and Other Rooms; Bathrooms; General Health and Safety:

- Large furniture blocking access to electrical outlets and windows. The inspector was unable to check/test the following:
  - Electrical outlets for safety hazards, required number of outlets and proper functionality. Tape has been installed over electrical equipment which could cause a fire.
  - Windows throughout the unit for: 1) hazards - ensuring windows stay up and in place with existing hardware, 2) security - ensuring windows lock properly, and 3) overall condition - windows are weather tight and functioning properly. In case of an emergency, these ground floor windows are weather tight and functioning properly. In case of an emergency, these ground floor windows could be needed fire exists or used for fire rescue purposes.
- Unable to inspect bathroom for required fixtures, plumbing leaks and overall condition.
- Excessive clutter and storage of items inside the unit and hallway area. A clear, unobstructed mean of egress to the exterior of the building is required in case of an emergency.

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- There was no large furniture blocking electrical outlets and windows. There was a chair that all he had to do was to pull it to the side and test the electrical outlet and he chose not to do so. He could have bent down and tested the electrical outlets if he wanted to as they were open to him. The window was clear. The outlets were open and available to Robert L Etheridge. He chose to not reach out 6 inches and test the kitchen outlets; to reach out 6 inches and test the living room outlets, to do the same with both bathrooms. He failed to pull out his electrical tester at any time.
- There was no tape over the electrical outlets as Etheridge could easily see.
- As noted by HUD, egress from windows are not necessary if there is another way out of the apartment. HUD accepts nailed shut windows. VPBSR egress is through the front door of the apartment and out the front door of the building. VPBSR does not include windows on the first floor as exits in case of fire. Egress on the first floor if the apartment is less than 125 feet from the building exit door. I am less than 10 feet from the building's front door. It is in their maintenance and fire codes. I am disabled and cannot climb up 4 feet to the window sill and hoist myself to the window sill and then break a window and separator to get out of the building. I must exit the front door of my apartment and then exit the building's front door. No building code can deny my ADA rights, nor the indisputable fact that I am mobility impaired of which the DHNP knows from 2012 on visual sight. Being mobility impaired I must use the only route of exit for me in case of fire and that exit is the front door of my apartment and the only exit door of the building. My ability to exit as a disabled person coincides with the VPBSR code. Therefore the DHNP cannot include anything about egress from windows as they are barred by the ADA and the VPBSR code.
- The inspector chose not to inspect the half bathroom as he and other inspectors have chosen to do over the years.
- There is not now nor has there been excessive clutter or storage of items inside the unit and hallway. My hallway is clear and by Robert L. Etheridge walking all around my apartment to make his known false and fraudulent list he just proved this point.
- I walk with a cane and at times with a walker. I am able to ambulate in this apartment anywhere as no area obstructs me. Robert L. Etheridge was able to walk through out this apartment and look at everything. He could not have done so if the apartment was cluttered anywhere in it and he could not have entered or exited if there were anything on the floor in any part of the apartment.

The question to ask is why is the DHNP so intent on terminating me from my Housing Choice Voucher and from my participation in the Housing Choice Voucher program? Especially since this apartment for over 6 years has passed the many inspections of it by the DHNP and by the landlord who herself did over 30 inspections. What is the motive of Director Andrew Freedman, Marcus Williamson, Robert L. Etheridge? Is that they are retaliating against me because I reached out to HUD in Richmond's field office and in the Philadelphia Regional office about the excessive inspections by the landlord, Community Housing Partners and its property of Lynnhaven Landing and its property manager and agent, Crissie Willoughby-Benoit?

Director Andrew Friedman reached out to HUD on February 14, 2019 and Joseph DeFelice Region III Administrator and Brad Rader Counsel at HUD region, both of whom had failed to communicate with me about my questions in January and February, communicated through Carrie Schmidt the Director of the HUD Field Office in Richmond, Va and she posted to me a PDF upholding all that Andrew Friedman told her, second hand, and of which was heresy evidence as Friedman was not in this apartment during the inspection by Robert L. Etheridge.

This is a concerted effort by HUD, Director Andrew Mitchell Friedman and DHNP to close ranks, get behind the lawlessness of Etheridge and the DHNP and Director Friedman to have me evicted, thrown off the Housing Choice Voucher program and to terminate my Housing Choice Voucher because I dared to exercise my rights and file an Appeal to the LBBCA and to send questions to HUD about the operation of Community Housing Partners, Lynnhaven Landing and Crissie Willoughby-Benoit. Director Friedman has appropriated HUD funds and has given it to Community Housing Partners to build senior citizen multifamily apartment buildings in Virginia Beach and to pay for Public Building Housing Choice Vouchers to Lynnhaven Landing (Community Housing Partners) who take the poor and low income and put them in deteriorating buildings and keep them away from the Oceanfront .

Check the facts of the DHNP, the records of my apartment passing inspections year after year until 2019 and you will question the motive of these criminals. Where is my appeal to the LBBCA Andrew Friedman?

Date: Monday March 4, 2019 at 6:53 pm  
To: afriedma @vbgov.com  
From: me AOL  
Subject: Do not send inspector to 309 Cedarwood Ct. #102 Tuesday March 5, 2019

Good Morning Mr. Friedman,

This email is to inform you that I have been in communication with Mr. Skip Harper/MCP, Code and Regulation Specialist, State Building Codes Office, Division of Building and Fire Regulation, Department of Housing and Community Development. Mr. Harper's contact information is as follows:

Skip Harper/MCP  
Code and Regulation Specialist  
State Building Codes Office  
Division of Building and Fire Regulation  
Department of Housing and Community Development  
600 E. Main St  
Richmond, VA 23219  
804-371-7164

Mr. Harper is fully aware of the alleged code violations of January 25, 2019 and has stated that the wrong code was used and my daughter and I are in compliance with the right code.

Mr. Harper stated that you are not to send any inspector out as it would be a violation of our rights and against all laws.

I am also requesting copies of all inspection reports from 2012 through 2019 with no redaction and any other papers in DHNP's file on me, my daughter, unit 309 Cedarwood Court #102 and that they be sent only by FedEx delivery and not through the U.S.P.S. as the postman throws parcels larger than business envelopes in the vestibule of the apartment building and as a disabled person I cannot bend to pick them up and sometimes they are removed from the unlocked vestibule. It has been extremely difficult to receive my mail here. Therefore, please send the copy of my file to me via FedEx who will be assured of delivery to me directly by hand. Thank you.

Sincerely,

Janett Fisher Pakravan

**Printed and faxed Thursday February 14, 2019**

309 Cedarwood Court #102  
Virginia Beach, Va 23454 309

Building Code Board of Appeals  
c/o Dept Of Housing and Neighborhood Preservation  
2424 Courthouse Drive  
Municipal Center Bldg 18A  
Virginia Beach, Va 23456

February 14, 2019

RE: Appeal of Alleged Housing Code Violations

I, Janett F. Pakravan, am requesting an Appeal of the January 25, 2019 findings of Mr. R.L. Etheridge, Housing Code Inspector of alleged housing code violations as I disagree with his findings in their entirety.

Date of (DHNP)'s HUD inspection	Friday January 25, 2019, (copy enclosed)
Name of HUD inspector:	Mr. R L. Etheridge
Name of person requesting an appeal:	Janett F. Pakravan
Address of HCV participant:	309 Cedarwood Court, # 102, Virginia Beach, Virginia Beach, Virginia 23454
Name and address of structure:	309 Cedarwood Court, # 102, Virginia Beach, Virginia Beach, Virginia 23454
Name of Property:	Lynnhaven Landing Apartments
Address of Property:	352 Fernwood Court #101 VA Beach, VA 23454
Owner of Lynnhaven Landing:	Community Housing Partners Corporation
Address of Owner	448 N.E. Depot Street Christiansburg, Va 24073

Thank you

Janett F. Pakravan

This letter was received on Tuesday February 5, 2019 at 7:20 a.m  
The envelope is metered mail: U.S. POSTAGE PITNEY BOWES Zip: 23454 02 1W 000 1397761 JAN 29, 2019  
RETURN SERVICE REQUESTED is printed in red

## City of Virginia Beach

Department of Housing and Neighborhood Preservation  
(757) 385-5750  
Fax (757) 385-5766  
TDD (757) 385-5794  
Code Enforcement Division  
(757) 385-4421  
Fax (757) 385-5694

VBgov.com  
Municipal Center  
Building 18A  
2424 Courthouse Drive  
Virginia Beach, Virginia 23456-9083  
Vbgov.com/dept/housing

Seal of Va. Beach shown  
01/28/2019

JANETT F PAKRAVAN  
309 CEDARWOOD COURT 102  
VIRGINIA BEACH VA 23454

THE ENCLOSED DOCUMENTS ARE FOR YOUR RECORDS

## City of Virginia Beach

Department of Housing and Neighborhood Preservation  
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Fax (757) 385-5766  
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Municipal Center  
Building 18A  
2424 Courthouse Drive  
Virginia Beach, Virginia 23456-9083  
Vbgov.com/dept/housing

Seal of Va. Beach shown  
January 28, 2019

JANETT F PAKRAVAN  
309 CEDARWOOD COURT 102  
VIRGINIA BEACH VA 23454

### **NOTICE OF UNIT INSPECTION FAILURE - TENANT COPY**

Dear Janett F. Pakravan:

On January 25, 2019, this department conducted an inspection of the unit located at 309 Cedarwood Court 102 in Virginia Beach, occupied by Janett F. Pakravan. We have determined that the following corrective action(s) are required to bring this unit in compliance with HUD Housing Quality and VMC standards:

1. Living Room - 605.1 ELECTRICAL COMPONENTS, need access to all outlets, **correct within 21 days-RE-INSPECT-02/15/2019**
2. Kitchen - 305.1 INTERIOR GENERAL, interior very cluttered, **correct within 21 days-RE/INSPECT 02/15/2019**
3. General Health and Safety - 702.1 MEANS OF EGRESS, GENERAL, Windows are completely blocked creating a problem with ingress and egress, **CORRECTED WITHIN SEVEN DAYS-RE-INSPECT 02/01-2019]**

**A unit re-inspection has been scheduled for February 15, 2019 between the hours of 8:00am and 2:00pm. The tenant, someone 18 years of age or older, or you must be present for the inspection.**

**Scheduled Abatement Date:** March 1, 2019

(There is a very long bar code and below is the following)  
\*/108798482436/\*

end of page 1

back of page 1

The City will abate housing assistance payments (HAP) to the owner when unit violations are not corrected (the staple is covering the word) the unit re-inspection date, or by the end of any granted extension, whichever is later. The City will not refund abated housing assistance. **Your tenant is not responsible for abated HAP. Owners are prohibited by contract from attempting to collect housing assistance payment from the tenant.**

**All requests for extensions MUST be in writing. Submit your request for an extension to Shawnti Todd at HCVInspections@vbgov.com.**

In cases where violations are not corrected by the re-inspection date or by the granted extension period, **the City may terminate the HAP contract with you** Repeated failure to correct unit violations may result in the City refusing the owner's participation in the program.

If you have question about this inspection please contact this office at 757-385-5732.

Sincerely,  
Rental Housing

(There is a very long bar code and below is the following)  
\*/108798482436/\*

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start of front of page 2

## City of Virginia Beach

Department of Housing and Neighborhood Preservation  
(757) 385-5750  
Fax (757) 385-5766  
TDD (757) 385-5794  
Code Enforcement Division  
(757) 385-4421  
Fax (757) 385-5694

VBgov.com  
Municipal Center  
Building 18A  
2424 Courthouse Drive  
Virginia Beach, Virginia 23456-9083  
Vbgov.com/dept/housing

Seal of Va. Beach shown

LYNNHAVEN LANDING  
352 FERNWOOD COURT  
Virginia Beach VA 23454

### **NOTICE OF BUILDING CODE VIOLATION**

The City of Virginia Beach has ordinances in effect that are designed to preserve and enhance neighborhood quality and to maintain property values. Since violations of these ordinances have a detrimental effect on the appearance and quality of the City's neighborhoods, your cooperation is requested in complying with this notice. An inspection of the property identified in the enclosed inspection report revealed that the property is in violation of the Virginia Maintenance Code as adopted by Section 16.3-1 of the City Code. In accordance with Section 104.5.4.2 of the Virginia Maintenance Code, you are hereby notified to correct the violation(s) within the number of days indicated on the enclosed inspection report. Failure to comply with this notice shall result in the appropriate proceedings at law being instituted to obtain compliance.

If there are practical difficulties involved in complying with this request, you may apply to the Code Enforcement Division for an extension in the time allowed to comply. Application for extension should be in writing, briefly state the reason for the request, indicate the amount of time needed for compliance, and be sent to the inspector identified below. Section 106.5 of the Virginia Maintenance Code provides for appeals concerning the application of this code or the refusal to grant a modification to the provisions of this code covering the manner of construction or materials to be used in the erection, alteration, repair or maintenance of a structure. Appeals shall be submitted to the Building Code Board of Appeals within 14 days. Appeals should be addressed to the board, in care of this office (Note: They did not put a period)

In case of error, or if you have sold or otherwise disposed of this property, please call the inspector immediately at 385-5014 Monday through Friday 8:00 a.m. - 4:30 p.m.

Frank Grice  
Code Enforcement Inspector

NOTE: Violations of the Virginia Maintenance Code are deemed a misdemeanor with Section 36-106 of the Code of Virginia and, upon conviction, may be punished by a fine of not more than \$2,500.

(There is a very long bar code and below is the following)  
\*/108793407434/\*

EQUAL HOUSING OPPORTUNITY The Virginia Beach Department of Housing & Neighborhood Preservation does business in accordance with the federal fair housing law and Section 504 program accessibility requirements. (Note: They wrote it spaced widely like this). The department complies with the Fair Housing Act and provides reasonable accommodations and modifications to persons with disabilities. Virginia Beach Housing & Neighborhood Preservation does not discrimination on the basis of race, color, religion, sex, disability, familial status, national origin, sexual orientation or gender identity in admission or access to its programs.

End of page 2 front

back of page 2

**IMPORTANT NOTICE TO LANDLORDS, OWNERS AND PROPERTY MANAGERS:** Your rent will be abated if violations are not corrected within the initial timeframe(s) specified in this notice. Please see the ‘Inspection and Rental Payment Policies Effective February 1, 2009 insert included with this notice for more details.

(There is a very long bar code and below is the following)  
\*/108793407434/\*

EQUAL HOUSING OPPORTUNITY The Virginia Beach Department of Housing & Neighborhood Preservation does business in accordance with the federal fair housing law and Section 504 program accessibility requirements. (Note: They wrote it spaced widely like this). The department complies with the Fair Housing Act and provides reasonable accommodations and modifications to persons with disabilities. Virginia Beach Housing & Neighborhood Preservation does not discrimination on the basis of race, color, religion, sex, disability, familial status, national origin, sexual orientation or gender identity in admission or access to its programs.

End of back of page 2

**Date: Feb. 15, 2019, 2:13 p.m.**

Subject: Response to your message

Davis, Anne email: anne.davis@hud.gov

cc: Rader, Brad E           brade.rader@hud.gov  
DeFelice, Joseph J       J.DeFelice@hud.gov  
Martin, Marcia Y         Y.Martin@hud.gov  
Booker, Bonita S.        Bonita.S.Delancer@hud.gov  
Schmidt, Carrie S.        Carrie.S.Schmidt@hud.gov

Dear Ms. Fisher Pakravan: Thank you for your February 1 message to Mr. Rader and Mr. DeFelice. Please see the attached letter from Carrie S. Schmidt, Field Office Director, in response to your message. Sincerely, Anne Davis

HUD logo

Anne Davis, Sr. Management Analyst  
US Dept. of Housing & Urban Development  
Richmond Field Office  
600 E. Broad Street, Richmond, VA 23219  
804-822-4802/800-842-2610, ext. 4802

Please do not print this e-mail unless necessary

**DeFelice-Fisher Response.pdf**

U.S. Department of Housing & Urban Development

Richmond Field Office  
600 E. Broad Street, 3<sup>rd</sup> Floor  
Richmond, VA 23219  
1-800-842-2610

HUD logo

February 15, 2019

**Janet Fisher Pakravan c/o Roberta Fisher**  
owltree360@gmail.com

Dear Ms. Pakravan,

Thank you for your February 1, 2019 email correspondence to HUD's Associate Regional Counsel Brad Rader with a copy to HUD's Regional Administrator Joseph DeFelice. In your message, you expressed frustration regarding inspection policies for your unit under the Section 8 Housing Choice Voucher (HCV) Program with the Virginia Beach Department of Housing and Neighborhood Preservation (DHNP). You stated concerns about biennial inspections; duplicate inspections during the same day; inspector request for you to move furniture in your unit away from windows and electrical outlets; the volume of unit inspections, and the Certificate of Compliance (COC) Rental Inspection and the Virginia Maintenance Code.

**Our office contacted Mr. Andrew Friedman**, Director of the Virginia Beach DHNP regarding your concerns and **Mr. Friedman advised that the following:**

- The Virginia Beach DHNP has a policy to conduct biennial inspections for properties in the Section 8 HCV Program and all participating families are informed of the inspection process. To further communicate the inspection policy to the tenant and owner community, the DHNP mails notices to owners and tenants, has placed information in their community newsletter, and updated the HCV Program Administrative Plan to reflect the biennial inspection process.
- Under the DHNP biennial inspection policy, your unit was previously inspected on January 24, 2017 and then due for a biennial inspection in 2019. The DHNP notified you by way of regular mail on December 19, 2018 that your unit was scheduled for an inspection on January 25, 2019. On the date of your inspection, two DHNP inspectors were on the development property site to conduct multiple unit inspections. You intercepted one inspector as he approached your unit, and the inspector then proceeded to conduct the unit inspection. During the inspection, it was noted that some of your furniture blocked egress at the windows.

In speaking with the DHNP inspection supervisor, the onsite inspector did not ask you or a family member to address the blocked windows and outlets at the time of the inspection. The blocked egress was documented as an HQS violation and would be listed as needing corrective action in a report to the owner.

(Bottom of page reads: HUD is "The Department of Opportunity" Our Mission: To create strong, sustainable, inclusive communities with quality affordable homes for all. Visit our website at [hud.gov/virginia](http://hud.gov/virginia))

Later in the day, a second inspector on site attempted to conduct an inspection of your unit, not realizing that the unit was already inspected. The inspector did not conduct a second inspection that day.

- Based on the deficiencies cited during the January 25, 2019 inspection, the DHNP scheduled a re-inspection of your unit for February 15, 2019. **However, on the afternoon of February 14, 2019 at 4:10 pm, the DHNP received a fax from you requesting to reschedule the February 15, 2019 inspection based on reasonable accommodations for persons with disabilities.** The DHNP concurred with your request and is in the process of rescheduling your inspection. You will receive correspondence from the DHNP advising of the upcoming inspection date and time.

If all deficiencies are corrected at the time of the upcoming inspection, the next HQS unit inspection will be scheduled for 2020. The qualifier for placement on the biennial inspection plan requires that no deficiencies are identified during the biennial inspection. This unit is no longer eligible for the biennial inspection benefit and will now be inspected on an annual basis.

- The property development where you reside is within the City of Virginia Beach’s designated area for Certificate of Compliance (COC) Rental Inspection and the Virginia Maintenance Code which states “Upon the initial or periodic inspection of rental dwelling units, that have no violation of the building code will be issued a Certificate of Compliance which exempts the dwelling units from rental inspection ordinance for a minimum of four years.” However, the Federal Housing Quality Standards (HQS) inspection requirement overrides the four-year COC inspection requirement.

Additionally, the COC does not preclude an owner from inspecting a unit as long as the owner adheres to the stipulation of proper notice to the tenant according to the terms of the Lease Agreement.

- The DHNP inspections and citations have been within the perimeters of DHNP’s authority as established by HUD policy/regulations at HUD 24 CFR, 982.405 *PHA initial and periodic unit inspection*:  
(a) The PHA must inspect the unit leased to a family prior to the initial term of the lease, at least biennially during assisted occupancy, and at other times as needed, to determine if the unit meets the HQS.

We hope this information is helpful to you. If you have further questions regarding your unit inspections or HCV assistance, you may contact Mr. Andrew M. Friedman, Director of Housing and Neighborhood Preservation, City of Virginia Beach, 2401 Courthouse Drive, Virginia Beach, VA 23456 or at [afriedman@vbgov.com](mailto:afriedman@vbgov.com)

Sincerely,

electronic signature or copied handwritten signature

Carrie S. Schmidt  
Field Office Director

I did not receive any notice of a biennial inspections for properties in the Section 8 HCV Program

I did not intercepted any inspector as he approached my unit. My daughter took the trash out and she saw Robert L. Etheridge and he accompanied her on his scheduled inspection of our apartment. Robert L. Etheridge never met with me Friday January 25, 2019. My daughter did not "intercept" Robert L. Etheridge. She saw him outside and he saw her and she asked, since he was in a marked car of DHNP's, if he were the inspector to inspect out apartment. Inspectors are assigned to inspect specific apartments by the DHNP HAPPY Software or some other kind of database. The DHNP person pulls up the Housing Choice Voucher participant's file. Clicks on another screen and pulls up the names of the inspectors last assigned to inspect, chooses another inspector and notes the time and date of the inspection which is cleared with the housing provider, in this case Lynnhaven Landing and Crissie Willoughby Benoit. Then they send the one inspector out after notifying the HCV participant. It is not a happenstance inspection that Carrie Schmidt is attempting to project in the letter authorized by Joseph DeFelice and Brad Raeder who refused to communicate with me when I asked questions about the excessive inspections by Crissie Willoughby Benoit, how many people Crissie was allowed to bring on her inspections as she had three maintenance personnel with her in March of 2018, etc.

Carrie Schmidt failed to state who the DHNP inspector supervisor was. She also stated that her statements were from Andrew Friedman and not from anyone else.

Robert L. Etheridge did speak with my daughter, Autumn, and did tell her to move her bookcases completely away from the window area and illustrated with his hands and voice where she could move them. I know because I heard Ethridge speaking to my daughter. He chose not to test the outlet while asking her to move the bookcase totally out of the area.

Needing access to the electrical outlet is not a violation of the Virginia Beach Municipal Code, the USBC Code, or the VPBSR code. Robert Etheridge chose to not even take out his electrical outlet tester as he was 6 inches from all outlets and he did not even test one of them. The kitchen outlet was just above his waist height.

Windows are not an egress site on the ground floor of an apartment building that was built in 1972. The maintenance code in effect in 1972 was the Virginia Public Building Safety Regulations maintenance and fire code. The egress was from the front door of the building through the lobby/vestibule if it was less than 125 feet. Our apartment dwelling unit is on the first floor and we are about 10 feet from our front door to the building's front door and that is an easy exit/egress for me. I am disabled with mobility issues and use a cane to ambulate with. I cannot climb up to a 4 foot high window sill, pull myself up on it and then break two window panes and a plastic or metal divider to get out of my apartment in case of fire. I do not do gymnastics. HUD allows windows to be nailed shut even if there is another way through the door. ADA rules and regulations say that accommodations must be made for the disable in order for the disable to have similar rights as others. Obeying the correct and applicable building code is what my daughter and I have done without even having to know about a building code.

Carrie Schmidt who is the HUD field director in Richmond does not know building codes, ordinances, ADA, or any other protective class Federal laws or Rules. As such, it would be best if she took classes on such before she supported others who do not seem to know building code as well.

Carrie Schmidt stated, "later in the day, a second inspector on site attempted to conduct an inspection of your unit, not realizing that the unit was already inspected. Frank Grice has been a code enforcement inspector at the DHNP for a long time. He knows who is and who isn't scheduled for an inspection. If Etheridge was not scheduled and Frank Grice was then Grice should have told my daughter and called the DHNP on Etheridge. Etheridge gave his business card to Autumn and told her that would let her know that he was official and not some stranger. Etheridge was scheduled and Grice was not. Grice came to our door 23 minutes after Robert Etheridge left. This is not considered to be "later in the day".

Carrie Schmidt stated that we had deficiencies and I disagree with her entirely. She was not here, she did not accompany the inspector, she does not know maintenance and building codes and yet she is speaking as if she has decided already that there were violations. She is not a part of the inspection of my apartment and is not a part of the administration of the Housing Choice Voucher Program in Virginia Beach.

We did not and do not have deficiencies of any kind.

Andrew Friedman, according to the statement of Carrie Schmidt, told her that he received a fax from me requesting to reschedule the February 15, 2019 inspection. Carrie Schmidt and /or Andrew Friedman failed to disclose that I had faxed my Appeal of the unlawful Code violations cited by Robert L. Etheridge to the Virginia Beach Local Board of Building Code Appeals. That filing of my Appeal gave me the legal right supported by Federal laws and the U.S. Constitution and the Virginia Constitution to have due process of law without interference, threats, intimidation, or any other adverse treatment by Andrew Friedman and the DHNP in total. That Appeal stopped all actions. Andrew Friedman was to have continued with the DHNP obligation to pay the HUD Share of the assisted rent to the landlord and chose not to do so. He unlawfully chose to send more people to my apartment to do inspections which meant they were trespassing, and were harassing, threatening and intimidating me. The Appeal should have stopped Friedman and did not and there was no one to force him to stop. He held a secret ex parte hearing and used only his files and none other and notified Lynnhaven Landing about the hearing. The hearing officer was not a lawyer but an employee which is a Conflict of Interest. That hearing produced a termination of me from the Housing Choice Voucher Program and terminated my Housing Choice Voucher, both illegal and unlawful. I filed a Fair Housing Complaint and named DHNP and Lynnhaven Landing as well as Community Housing Partners and Crissie Willoughby-Benoit and that gave me the rights to not have adverse retaliatory action against me. However Crissie/Lynnhaven Landing and the lawyer for Community Housing Partners retaliated. I had a notice of failure to pay rent when I paid it on April 4, and it was cashed on April 10; I paid rent in full again on May 5, and it was cashed on May 8 the same day that the second self eviction came from Lynnhaven Landing. I paid June rent in full on June 4 and it was cashed on June 10.

Crissie filed in court on behalf of Lynnhaven Landing an Unlawful Detainer which is a summary eviction and there is no due process given which is a violation of my rights. I filed motions and the judge dismissed all and issued a Default Judgement when he did not have Subject Matter Jurisdiction due to my Appeal to the LBBCA, to the Fair Housing and to the Va Technical Review Board. He failed to do his duty as a judge He failed to copy me on his order as well. In order to appeal, I would have to post a \$3,999 surety bond when I owe no rent to Lynnhaven Landing.

This is the fall out of the criminal action of Andrew Friedman and the DHNP.

The VRLTA covers how a landlord may have access to a renter's apartment and 30 plus inspections are excessive, invasive, and unlawful. The Virginia Field Office of HUD must comply with all laws including the Virginia Residential Landlord Tenant Act (VRLTA) in order to compel non-compliant landlords in the HCV Program to come into full compliance and not harass the HCV Participant.

Carrie Schmidt, by her February 15, 2019, pdf letter wherein she cites the fax to Andrew Friedman, has clearly been apprised by him of said fax and it is reasonable to assume that Andrew Friedman would have equally apprised her of my fax to the LBBCA wherein I am immediately afforded a Stay of Process. If Andrew Friedman failed to disclose this to Ms. Schmidt then he was selectively suppressing knowledge to the Director of the Richmond Field Office of HUD that a Stay of Process was in effect and disclosing only my fax to him in order to facilitate information that was beneficial to him and deprived me of having the Director of HUD's Richmond Field Office be apprised of the fact that DHNP Director Friedman was in breach of my Appeal to the LBBCA and that her office was to immediately intervene on the HCV Participant's behalf.



**CITY OF  
VIRGINIA BEACH**

**R. L. ETHERIDGE**  
SECTION 8 HOUSING INSPECTOR

DEPARTMENT OF HOUSING AND  
NEIGHBORHOOD PRESERVATION  
MUNICIPAL CENTER - BUILDING 18A  
2424 COURTHOUSE DRIVE  
VIRGINIA BEACH, VA 23455-9083

DIRECT (757) 385-8361  
MOBILE (757) 617-6563  
FAX (757) 385-5694  
REtherid@vb.gov.com  
[www.facebook.com/vbhousing](http://www.facebook.com/vbhousing)



# City of Virginia Beach

DEPARTMENT OF HOUSING AND  
NEIGHBORHOOD PRESERVATION  
(757) 385-5750  
FAX (757) 385-5766  
TDD (757) 385-5794  
CODE ENFORCEMENT DIVISION  
(757) 385-4421  
FAX (757) 385-5694

[VBgov.com](http://VBgov.com)

MUNICIPAL CENTER  
BUILDING 18A  
2424 COURTHOUSE DRIVE  
VIRGINIA BEACH, VIRGINIA 23458-9083  
[vbgov.com/dept/housing](http://vbgov.com/dept/housing)

01/28/2019

JANETT F PAKRAVAN  
309 CEDARWOOD COURT 102  
VIRGINIA BEACH VA 23454

THE ENCLOSED DOCUMENTS ARE FOR YOUR RECORDS.



# City of Virginia Beach

DEPARTMENT OF HOUSING AND  
NEIGHBORHOOD PRESERVATION  
(757) 385-5750  
FAX (757) 385-5786  
TDD (757) 385-5794  
CODE ENFORCEMENT DIVISION  
(757) 385-4421  
FAX (757) 385-5894

VBgov.com  
MUNICIPAL CENTER  
BUILDING 18A  
2424 COURTHOUSE DRIVE  
VIRGINIA BEACH, VIRGINIA 23456-8083  
vb.gov/dept/housing

January 28, 2019

Janett F. Pakravan  
309 Cedarwood Court 102  
Virginia Beach, VA 23454

## NOTICE OF UNIT INSPECTION FAILURE - TENANT COPY

Dear Janett F. Pakravan:

On January 25, 2019, this department conducted an inspection of the unit located at 309 Cedarwood Court 102 in Virginia Beach, occupied by Janett F. Pakravan. We have determined that the following corrective action(s) are required to bring this unit in compliance with HUD Housing Quality and VMC standards:

1. Living Room - 605.1 ELECTRICAL COMPONENTS, need access to all outlets, correct within within 21 days-RE-INSPECT-02/15/2019
2. Kitchen - 305.1 INTERIOR GENERAL, interior very cluttered, correct within 21 days-RE/INSPECT 02/15/2019
3. General Health and Safety - 702.1 MEANS OF EGRESS, GENERAL, Windows are completely blocked creating a problem with ingress and egress, CORRECTED WITHIN SEVEN DAYS-RE-INSPECT 02/01-2019].

A unit re-inspection has been scheduled for February 15, 2019 between the hours of 8:00am and 2:00pm. The tenant, someone 18 years of age or older, or you must be present for the inspection.

Scheduled Abatement Date: March 1, 2019

The City will abate housing assistance payments (HAP) to the owner when unit violations are not corrected by the unit re-inspection date, or by the end of any granted extension, whichever is later. The City will not reimburse the owner for abated housing assistance. Your tenant is not responsible for abated HAP. Owners are prohibited by contract from attempting to collect housing assistance payment from the tenant.

**All requests for extensions MUST be in writing. Submit your request for an extension to Shawnti Todd at [HCVInspections@vbgov.com](mailto:HCVInspections@vbgov.com).**

In cases where violations are not corrected by the re-inspection date or by the granted extension period, the City may terminate the HAP contract with you. Repeated failure to correct unit violations may result in the City refusing the owner's participation in the program.

If you have questions about this inspection please contact this office at 757-385-5732.

Sincerely,  
Rental Housing



# City of Virginia Beach

DEPARTMENT OF HOUSING AND  
NEIGHBORHOOD PRESERVATION  
(757) 385-5750  
FAX (757) 385-5766  
TDD (757) 385-5794  
CODE ENFORCEMENT DIVISION  
(757) 385-4421  
FAX (757) 385-5694

VBgov.com  
MUNICIPAL CENTER  
BUILDING 18A  
2424 COURTHOUSE DRIVE  
VIRGINIA BEACH, VIRGINIA 23456-9083  
vb.gov.com/dept/housing

LYNNHAVEN LANDING  
352 FERNWOOD COURT 101  
VIRGINIA BEACH VA 23454

## NOTICE OF BUILDING CODE VIOLATION

The City of Virginia Beach has ordinances in effect that are designed to preserve and enhance neighborhood quality and to maintain property values. Since violations of these ordinances have a detrimental effect on the appearance and quality of the City's neighborhoods, your cooperation is requested in complying with this notice. An inspection of the property identified in the enclosed inspection report revealed that the property is in violation of the Virginia Maintenance Code as adopted by Section 16-3.1 of the City Code. In accordance with Section 104.5.4.2 of the Virginia Maintenance Code, you are hereby notified to correct the violation(s) within the number of days indicated on the enclosed inspection report. Failure to comply with this notice shall result in the appropriate proceedings at law being instituted to obtain compliance.

If there are practical difficulties involved in complying with this request, you may apply to the Code Enforcement Division for an extension in the time allowed to comply. Application for an extension should be in writing, briefly state the reasons for the request, indicate the amount of time needed for compliance, and be sent to the inspector identified below. Section 106.5 of the Virginia Maintenance Code provides for appeals concerning the application of this code or the refusal to grant a modification to the provisions of this code covering the manner of construction or materials to be used in the erection, alteration, repair or maintenance of a structure. Appeals shall be submitted to the Building Code Board of Appeals within 14 days. Appeals should be addressed to the board, in care of this office.

In case of error, or if you have sold or otherwise disposed of this property, please call the inspector immediately at 385-5014 Monday through Friday 8:00 a.m. - 4:30 p.m.

Frank Grice  
Code Enforcement Inspector

NOTE: Violations of the Virginia Maintenance Code are deemed a misdemeanor with Section 36-106 of the Code of Virginia and, upon conviction, may be punished by a fine of not more than \$2,500.

108793407434/s



The Virginia Beach Department of Housing & Neighborhood Preservation does business in accordance with the federal fair housing law and Section 504 program accessibility requirements. The department complies with the Fair Housing Act and provides reasonable accommodations and modifications to persons with disabilities. Virginia Beach Housing & Neighborhood Preservation does not discriminate on the bases of race, color, religion, sex, disability, familial status, national origin, sexual orientation or gender identity, in admission or access to its programs.

**IMPORTANT NOTICE TO LANDLORDS, OWNERS AND PROPERTY MANAGERS: Your rent will be abated if violations are not corrected within the initial timeframe(s) specified in this notice. Please see the 'Inspection and Rental Payment Policies Effective February 1, 2009' insert included with this notice for more details.**

108783407434/2



The Virginia Beach Department of Housing & Neighborhood Preservation does business in accordance with the federal fair housing law and Section 504 program accessibility requirements. The department complies with the Fair Housing Act and provides reasonable accommodations and modifications to persons with disabilities. Virginia Beach Housing & Neighborhood Preservation does not discriminate on the bases of race, color, religion, sex, disability, familial status, national origin, sexual orientation or gender identity, in admission or access to its programs.



# Fax Cover Sheet

Date 2-14-2019 Number of pages 2 (including cover page)

## To:

## From:

Name Bldg. Code Board of Appeals Name Janett Fisher Pakkovan  
 Company City of Va. Beach Dept of Housing, Neighborhood Preservation Company 309 Cedarwood Ct. #102  
 Telephone — Telephone VA. Beach, VA 23454  
 Fax 757-385-5669

Comments Time Sensitive Appeal



7 90363 00711 1  
Fax - Local Send

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7 90363 00714 2  
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7 90363 00720 3  
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TIME : 02/14/2019 16:15  
NAME : FEDEX OFFICE 2602  
FAX : 757-417-0677  
TEL :  
SER.# : U63314E4J686574

DATE, TIME	02/14 16:15
FAX NO./NAME	7573855669
DURATION	00:00:46
PAGE(S)	02
RESULT	OK
MODE	STANDARD

309 Cedarwood Court #102  
Virginia Beach, Va 23454 309

Building Code Board of Appeals  
c/o Dept Of Housing and Neighborhood Preservation  
2424 Courthouse Drive  
Municipal Center Bldg 18A  
Virginia Beach, Va 23456

FAX 757-385-5669  
February 14, 2019

RE: Appeal of Alleged Housing Code Violations

I, Janett F. Pakravan, am requesting an Appeal of the January 25, 2019 findings of Mr. R.L. Etheridge, Housing Code Inspector of alleged housing code violations as I disagree with his findings in their entirety.

Date of (DHNP)'s HUD inspection	Friday January 25, 2019, (copy enclosed)
Name of HUD inspector:	Mr. R L. Etheridge
Name of person requesting an appeal:	Janett F. Pakravan
Address of HCV participant:	309 Cedarwood Court, # 102, Virginia Beach, Virginia Beach, Virginia 23454
Name and address of structure:	309 Cedarwood Court, # 102, Virginia Beach, Virginia Beach, Virginia 23454
Name of Property:	Lynnhaven Landing Apartments
Address of Property:	352 Fernwood Court #101 VA Beach, VA 23454
Owner of Lynnhaven Landing:	Community Housing Partners Corporation
Address of Owner	448 N.E. Depot Street Christiansburg, Va 24073

Thank you

Janett F. Pakravan

① Freidman  
② Bief Cde Appeal  
2019



**FedExOffice.**

February 14, 2019 16:20  
Receipt #: 2602819392  
MasterCard #: XXXXXXXXXXXXXXX6102  
201902/14 16:10

Page: 1

Qty	Description	Amount
1	SS Fax - Local Send	1.89
1	SS Fax - Local Send	1.89
SubTotal		3.78
Taxes		0.00
Total		3.78

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# Fax Cover Sheet

Date 2-14-2019 Number of pages \_\_\_\_\_ (including cover page)

To: Name Andrew Friedman From: Name Janeth Fisher Pakravan  
 Company City of Va. Beach Dept. of Housing, Company 309 Cedarwood Ct, #102  
Administration Telephone VA Beach, VA 23954  
 Telephone 757-385-5752  
 Fax 757-385-1874

Comments Time Sensitive before Fri. 2-15-2019



7 90363 00711 1

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June 25, 2019 19:47

Page: 1

Receipt #: 2602825225

MasterCard #: XXXXXXXXXXXXX6102

2019/06/25 18:00

Qty	Description	Amount
7	SS Fax - Local Send	12.03
39	ES B&W S/S White 8.5 x11	5.07
	<b>SubTotal</b>	<b>17.10</b>
	<b>Taxes</b>	<b>0.31</b>
	<b>Total</b>	<b>17.41</b>

The Cardholder agrees to pay the Issuer of the charge card in accordance with the agreement between the Issuer and the Cardholder.

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309 Cedarwood Court #102  
Virginia Beach, Va 23454

February 14, 2019

Andrew Friedman Director  
Housing and Neighborhood Preservation  
Municipal Center Bldg 21  
2408 Courthouse Drive Room 144  
Virginia Beach, Va 23456  
Phone 385-5752 Fax 757-385-1874

Re: Multiple requests

1.) Your housing code inspector did an inspection of my apartment on January 25, 2019 and found an alleged 3 violations. I disagree with those findings and to that end I am filing an Appeal to the Building Code Board of Appeals. I could not file my appeal any earlier due to disability.

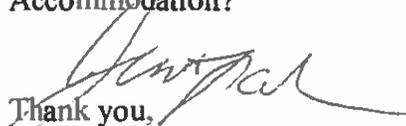
2.) In the meantime, I realized that the re-inspection has been scheduled for tomorrow, Friday February 15, 2019. I am asking for an extension on this until after the findings of the Appeal. I cannot comply with alleged code violations for a reinspection when I disagree with the initial code violations until my appeal has been completed.

The alleged code violations remedy requires me to move around a lot. I am a 75 year old disabled female, and am in need of reasonable accommodation of an extension in order to comply with your offices's demands for correction of those alleged violations. I have a severe mobility issue and need additional time. I am requesting a 30 extension in order to be fully in compliance with his alleged findings and without any abatement of my Housing Choice Voucher or other penalties.

3.) For the aforementioned reasons I request that the re-inspection for Friday February 15, 2019 be continued until the end of the extended time period.

4.) Re-certification late due to illness. I was informed via postal mail from Ms. Shawnti Todd, Administrative Specialist at DHNP, that I have a new Housing Specialist a Ms. Syreeta McCoy. I could not reach her at the DHNP at the number provided to me in the letter in order to request directly from her reasonable accommodation.

I need to have ADA Reasonable Accommodation for the lateness of mailing in my Re-Certification due to the fact that I have been suffering with my heart and could not do much of anything. The re-certification was to be filed by February 6, 2019 and I am 8 days late in doing so. As you are the Director of VB DHNP then would you please grant to me, without penalty, the ADA Reasonable Accommodation?

  
Thank you,  
Janett F. Pakravan

TRANSMISSION VERIFICATION REPORT

TIME : 02/14/2019 16:11  
NAME : FEDEX OFFICE 2602  
FAX : 757-417-8677  
TEL :  
SER.# : U63314E4J686574

DATE, TIME	02/14 16:10
FAX NO./NAME	7573851874
DURATION	00:00:52
PAGE(S)	02
RESULT	OK
MODE	STANDARD





# City of Virginia Beach

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FAX (757) 385-5766  
TDD (757) 385-5794  
CODE ENFORCEMENT DIVISION  
(757) 385-4421  
FAX (757) 385-5694

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VIRGINIA BEACH, VIRGINIA 23458-9083  
vbgov.com/dept/housing

February 15, 2019

LYNNHAVEN LANDING  
352 FERNWOOD COURT 101  
VIRGINIA BEACH VA 23454

**Subject: 309 Cedarwood Court 102 (Janett F. Pakravan)**

Dear Sir/Madam:

This is in response to your request for an extension in the time allowed for the correction of the building maintenance violations existing on the property referenced above. Action will be deferred by this office until **March 25, 2019** to allow you time to correct the building maintenance violation(s) as you have indicated. The re-inspection will take place on **March 25, 2019**. This extension applies only to the building violation(s). It does not apply to any other property maintenance violations that may have been cited.

**As this property is under a HUD contract, the cited violations must be complied with in a timely manner and a passed inspection completed. Failure to comply and complete a passing inspection will result in abatement of rents paid under your HAP contract.**

Thank you for your cooperation in this matter. If you have any questions please contact me at (757) 385-1276 or e-mail me at [rblake@vbgov.com](mailto:rblake@vbgov.com).

Sincerely,

Randy Blake  
Code Enforcement Supervisor

RB/

c: Frank Grice  
Code Enforcement Inspector  
Syreeta McCoy  
Housing Specialist



# City of Virginia Beach

DEPARTMENT OF HOUSING AND  
NEIGHBORHOOD PRESERVATION  
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[vbgov.com/dept/housing](http://vbgov.com/dept/housing)

February 20, 2019

Janett F. Pakravan  
309 Cedarwood Court 102  
Virginia Beach, VA 23454

THE ENCLOSED DOCUMENTS ARE FOR YOUR RECORDS.



# City of Virginia Beach

DEPARTMENT OF HOUSING AND  
NEIGHBORHOOD PRESERVATION  
(757) 385-5750  
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VIRGINIA BEACH, VIRGINIA 23456-8083  
vbgov.com/dept/housing

February 20, 2019

Janett F. Pakravan  
309 Cedarwood Court 102  
Virginia Beach, VA 23454

## QUALITY CONTROL INSPECTION (Inspection report must be signed)

Ms. Pakravan:

This letter is to inform you that your unit has been randomly selected for inspection by The Department of Housing and Neighborhood Preservation as part of our Quality Control.

An appointment has been set up for you to have your house inspected on **Tuesday, March 5, 2019**, between the hours of 8:00 a.m. - 2:00 p.m. **YOU or SOMEONE, 18 years OR OLDER, MUST BE AT HOME DURING THESE HOURS.**

If it is not possible for you to be at home for this appointment because of an emergency, **IT IS VERY IMPORTANT THAT YOU CALL THIS OFFICE AT ONCE AT 385-5732.** Your lease Section 8 rental assistance may be stopped if your house is not inspected or if your house fails the inspection. Keep in mind that rescheduling your Quality Control inspection appointment may result in a suspension of your housing assistance payments, making you responsible for one or more months rent.

If the inspection appointment is not kept, your Section 8 assistance will terminate, effective **March 31, 2019** making you responsible for entire rent effective **April 1, 2019.**

Should your assistance be terminated, you have ten (10) days from the date of the termination notice to request a Fair Hearing **IN WRITING** if you wish to appeal this decision.

Sincerely,

Shawnti Todd  
Administrative Specialist I

cc: Lynnhaven Landing  
352 Fernwood Court #101  
Virginia Beach, VA 23454



# City of Virginia Beach

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DEPARTMENT OF HOUSING AND  
NEIGHBORHOOD PRESERVATION  
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2424 COURTHOUSE DRIVE  
BUILDING 18A  
VIRGINIA BEACH, VA 23456-9083  
[VBGOV.COM/DEPTHOUSING](http://VBGOV.COM/DEPTHOUSING)

March 8, 2019

Ms. Janet Pakravan  
309 Cedarwood Court  
Apt 102  
Virginia Beach, VA 23454

Dear Ms. Pakravan,

I'm writing to you in an effort to address what I believe is a misunderstanding and to ensure that you understand our unit inspections process and your responsibilities as a program participant.

As a participant in the Housing Choice Voucher Program (HCV), your unit is subject to an annual unit inspection. We conduct an inspection to ensure that each subsidized unit meets specific housing quality standards. When conducting an inspection we operate under a process where both the Housing Quality Standard (HQS) requirements and the Virginia Maintenance Code (VMC) regulations are recognized.

Your unit was inspected in 2017 and was subsequently placed on a "biennial inspection schedule". Under that policy, we did not schedule an inspection during the 2018 year. In accordance with our biennial inspection schedule policy, your unit is due for an inspection this year (2019). Several areas were cited as failing to meet HQS requirements and VMC guidelines, during the January 25, 2019 annual unit inspection. The deficiencies listed below caused the unit to fail the required annual Housing Quality Standards (HQS) inspection and must be corrected to be in compliance with the requirements of HUD policy:

#### **Living Room and Other Rooms; Bathrooms; General Health and Safety:**

1. Large furniture blocking access to electrical outlets and windows. The inspector was unable to check/test the following:
  - a. Electrical outlets for safety hazards, required number of outlets and proper functionality. Tape has been installed over electrical equipment which could cause a fire.
  - b. Windows throughout the unit for: 1) hazards – ensuring windows stay up and in place with existing hardware, 2) security – ensuring windows lock properly, and 3) overall condition – windows are weather tight and functioning properly. In case of an emergency, these ground floor windows could be needed fire exits or used for fire rescue purposes.
2. Unable to inspect bathroom for required fixtures, plumbing leaks and overall condition.
3. Excessive clutter and storage of items inside the unit and hallway area. A clear, unobstructed mean of egress to the exterior of the building is required in case of an emergency.

You have requested an appeal of the citations under the VMC guidelines. We reviewed your case and determined that we will not pursue enforcement under the Virginia Maintenance Code. These violations however, remain fully enforceable under HQS guidelines. Consequently, you may not appeal the citations under HUD's HQS guidelines 24CFR 982.555(b)(6).

Your unit will be scheduled for a re-inspection and is subject to the abatement of housing assistance, and should you fail to remedy the identified citations within the specified timeframe, you are subject to further action including termination from the housing choice voucher program. I ask for your cooperation to bring your unit back into compliance with HQS standards so that we may close out this issue quickly (24CFR982.551 (4)(c)(d)).

Regards,



Marcus Williamson  
Housing Programs Administrator

cc: Andrew Friedman/Director  
Wells Freed/Code Enforcement Administrator  
Lynnhaven Landing Apartments

Date: 12/25/2019  
**YOU WERE OUT!**

Sorry We Missed You Today!

**SHAWN TI TODD**

**385-5732**

**HCVINSPECTIONS@VBGOV.COM**

Your cooperation is earnestly requested.

Please call between the hours of 8:00 a.m. -  
4:30 p.m. If you do not reach me, please leave  
a message so I can return your call.  
Thank you.



Department of  
Housing and Neighborhood Preservation  
Code Enforcement Division  
Municipal Center - Building 18A  
2424 Courthouse Drive  
Virginia Beach, VA 23456-9083  
(757) 385-4421



# City of Virginia Beach

DEPARTMENT OF HOUSING AND  
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vbgov.com/dept/housing

03/26/2019

JANETT F PAKRAVAN  
309 CEDARWOOD COURT 102  
VIRGINIA BEACH VA 23454

THE ENCLOSED DOCUMENTS ARE FOR YOUR RECORDS.



# City of Virginia Beach

DEPARTMENT OF HOUSING AND  
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TDD (757) 385-5794  
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VIRGINIA BEACH, VIRGINIA 23456-8083  
vbgov.com/dept/housing

March 26, 2019

Janett F. Pakravan  
309 Cedarwood Court 102  
Virginia Beach, VA 23454

## NOTICE OF PROPOSED TERMINATION

Dear Janett F. Pakravan:

The City of Virginia Beach Department of Housing & Neighborhood Preservation proposes to terminate your participation in the Housing Choice Voucher program for the following program violations:

- 1) Failure to comply with Housing Quality Standards (HQS)
- 2) Failure to allow the housing unit to be inspected by Code Inspectors

**24 CFR §982.401 Housing quality standards (HQS): (3) All program housing must meet the HQS performance requirements both at commencement of assisted occupancy, and throughout the assisted tenancy.**

**24 CFR §982.551 Obligations of participant: (d) Allowing PHA inspection. The family must allow the PHA to inspect the unit at reasonable times and after reasonable notice.**

As a result of your failure to comply with the above stated requirement(s), your assistance is terminated effective April 30, 2019. If you wish to appeal this decision, you have the right to an informal hearing. The request must be submitted to me in writing within ten (10) working days from the date of this letter or no later than April 8, 2019.

If you are a person with disabilities, and you believe the disability-related limitation are mitigating factor, or if you believe a specific reasonable accommodation would allow the DHNP to reconsider this decision, you may request a reasonable accommodation. You may ask for the Reasonable Accommodation Form.

You also have protections under the Violence Against Women (VAWA) if you are a victim of domestic violence, dating violence, sexual assault or stalking. VAWA protections apply to men, women and children. A notice of VAWA protections and a VAWA certification form HUD-50066 are enclosed with this notice.

If your request is not received within the time period indicated above, you will waive your right to a hearing and our decision to terminate your assistance will become final. This does not, however, constitute a waiver of your rights to appropriate judicial proceedings.

Should you choose to remain in occupancy after the effective date of your termination, you will be responsible for paying the full amount of rent to the owner.

Sincerely,

Syreeta McCoy  
Housing Specialist  
757.385.5747  
SMccoy@vb.gov.com

C: Lynnhaven Landing, Landlord  
Enclosures: Informal Hearing Procedures



## INFORMAL HEARING PROCEDURES

As a participant you have the right to request an Informal Hearing/Review in certain situations if you disagree with the decision made by the Department of Housing and Neighborhood Preservation (DHNP). An Informal Hearing is a session in which you and DHNP personnel meet or conduct a telephone conference call to discuss the circumstances about your case. There are also situations in which you cannot request an Informal Hearing. The following information is the general procedures and circumstances regarding Informal Hearings.

### YOU MAY ASK FOR AN INFORMAL HEARING IN THE FOLLOWING SITUATIONS

1. A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
2. A determination of the appropriate Utility Allowance (if any) for family-paid utilities from the Utility Allowance Schedule.
3. A determination of the family unit size under the Subsidy Standards.
4. A determination that a Certificate program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the Subsidy Standards, or the DHNP Section 8 staff determination to deny the family's request for an exception from the Subsidy Standards.
5. A determination to terminate assistance for a participant family because of the family's action or failure to act.
6. A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under DHNP policy and HUD rules.

In the case described in items 4, 5 and 6 above, the DHNP must give the opportunity for an Informal Hearing before the DHNP terminates housing assistance for the family under an outstanding Housing Assistance Payments Contract.

### NOTICE TO FAMILY

In the cases described in items 1, 2 and 3 above, the DHNP must notify the family that the family may ask for an explanation of the basis of the DHNP determination, and that if the family does not agree with the determination, the family may request an Informal Hearing on the decision.

In the case described in items 4, 5 and 6 above, the DHNP must give the family prompt written notice that the family may request a hearing. The notice must:

- Contain a brief statement of reasons for the decision.
- Cite the applicable law, regulation, or policy that was violated.
- State that if the family does not agree with the decision, the family may request an Informal Hearing on the decision and;
- State that the Family has 10 business days from the date of the letter to request an Informal Hearing in writing.

### YOU MAY NOT ASK FOR AN INFORMAL HEARING IN THE FOLLOWING SITUATIONS

1. Discretionary administrative determinations.
2. General policy issues or class grievances.
3. Establishment of the Schedule of Utility Allowances for families in the Program.
4. A determination not to approve an extension or suspension of a Certificate or Voucher term.
5. A determination not to approve a unit or lease.
6. A determination that an assisted unit is not in compliance with Housing Quality Standards (HQS). **However, the DHNP must provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family.**
7. A determination that the unit is not in accordance with HQS because of the family size.
8. A determination to exercise or not to exercise any right or remedy against the owner under a Housing Assistance Payment Contract.

## **EXPEDITIOUS HEARING PROCESS**

Where an Informal Hearing for a participant family is required under this section, the DHNP must proceed with the hearing in a reasonably expeditious manner upon the request of the family. The hearing is to be scheduled within **15 calendar days** of the request, unless circumstances delay meeting this time frame. The family may request to reschedule only upon showing "good cause," which is defined as an unavoidable conflict, which seriously affects the health, safety, or welfare of the family.

If the family does not appear at a scheduled Informal Hearing and has not rescheduled the hearing in advance, DHNP will reschedule the hearing only if the family can show "good cause" for the failure to appear. If the family contacts the office within one business day, but fails to show good cause for not appearing, the termination will stand.

## **EXAMINATION OF DOCUMENTS BY FAMILY**

The family must be given the opportunity to examine any DHNP documents that are directly relevant to the hearing before the Informal Hearing date. The family must be allowed to copy any such documents at the family's expense. If the DHNP does not make the documents available for examination on request of the family **5 business days** before the Informal Hearing, the DHNP may not rely on the documents at the hearing.

## **EXAMINATION OF DOCUMENTS BY DHNP**

The DHNP must be given the opportunity to examine, at the DHNP office, any family documents that are directly relevant to the hearing. The DHNP must be allowed to copy any documents at the DHNP's expense before the Informal Hearing date. If the family does not make the documents available for examination on the request of the DHNP **5 business days** before the date of the Informal Hearing, the family may not rely on the documents at the hearing.

## **DOCUMENTS**

The term "documents" includes records and regulations.

## **REPRESENTATION OF FAMILY**

The family has a right to bring evidence, witnesses, legal representation, and/or other representation/advocates at the family's expense.

## **REASONABLE ACCOMODATION/VAWA PROTECTIONS**

The family has a right to request an interpreter and/or a Reasonable Accommodation. The family has the right to Violence Against Women Act (VAWA) protections.

## **MITIGATING CIRCUMSTANCES FOR APPLICANTS/PARTICIPANTS WITH DISABILITIES**

When applicants are denied placement on the waiting list or DHNP is terminating program assistance, the presence of a disability may be a mitigating circumstance. DHNP must consider these mitigating circumstances when deciding to deny an applicant or terminate program assistance. Examples of mitigating circumstances are:

- A person with a cognitive disorder may not have understood the requirement to report increases in income, etc.
- A person may not have understood the need to make regular payments on a promissory note/repayment agreement.
- Minor criminal records for public drunkenness or incarcerations for being disorderly may be due to an emotional disorder

## HEARING OFFICER: APPOINTMENT AND AUTHORITY

The hearing may be conducted by any person or persons designated by DHNP, other than a person who made or approved the decision under review or a subordinate of this person or a person associated with the Rental Housing Division of DHNP. The person who conducts the hearing may regulate the conduct of the hearing in accordance with the DHNP Staff Informal Hearing Procedures.

The assigned DHNP Manager will only answer general questions on policy so the assigned DHNP Manager can serve as the Hearing Officer. If the assigned DHNP Manager was directly involved in making the decision to terminate benefits, then the assigned DHNP Manager cannot serve as the Hearing Officer. Also, the DHNP Manager/ Hearing Officer cannot be another DHNP staff member who was consulted on the specific case. In localities where the DHNP staff conducts Informal Hearings for participants, the person who made/approved the decision or who wrote/signed the letter to terminate benefits cannot serve as the Hearing Officer. The Hearing Officer in a locality cannot be a subordinate of the decision maker.

## EVIDENCE

The DHNP staff and the family must be given the opportunity to present evidence and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings. Any information or evidence can be admitted during the hearing—all evidence is admissible.

## ISSUANCE OF DECISION

The person who conducts the hearing must issue a written decision, briefly stating the reasons for the decision. Factual determinations relating to the individual circumstances of family shall be based on a preponderance of evidence presented at the hearing. A copy of the hearing decision must be furnished to the family within fourteen days of the hearing. The Hearing Officer's decision is final with no further recourse through DHNP unless the decision violates HUD regulations, federal, local or state laws, or PHA policy. This determination will be made by the DHNP Rental Housing Administrator or DHNP Director.

## EFFECT OF DECISION

DHNP is not bound by a hearing decision:

- Concerning a matter for which the DHNP staff is not required to provide an opportunity for an informal hearing under this section, or that otherwise exceeds the authority of the person conducting the DHNP hearing procedures.
- Contrary to HUD regulations or requirements, or otherwise contrary to Federal, state or local laws, or PHA policy.
- If the DHNP staff determines that it is not bound by a hearing decision, the DHNP staff must promptly notify the family of the determination, and of the reasons for the determination.

## RESTRICTIONS ON ASSISTANCE FOR NON-CITIZENS

The informal hearing provisions for the denials of assistance on the basis of ineligible immigration status are contained in the Administrative Plan.

## GENERAL PROCEDURES

- ✓ 1. Families must request the hearing in writing. The request for the hearing is made directly to the DHNP staff.
2. Participants who allow the 10 day period to pass and have not requested a hearing waive all rights to hold a hearing.

*I did not ask for a hearing as I was told to take my appeal to the LABCA & refused to allow it to go to the LABCA. Due Process 17.7 to show*

3. The Hearing Officer reserves the right to cancel the hearing before the scheduled time if circumstances warrant such a cancellation. The Hearing Officer can decide to reschedule for a later date depending on the reasons for the cancellation.
4. Participants that schedule a hearing and fail to be present waive all rights to schedule another hearing.
5. If the family does not arrive within 30 minutes of the scheduled appointment time, the hearing shall be cancelled and the record noted accordingly.
6. Each person in attendance will be recorded on the Informal Hearing Attendance Record.
7. Witnesses will not be present except when called to the hearing at the appropriate time to present their information.
8. The Hearing Officer will decide the case based on the preponderance of evidence.
9. The hearing may be conducted by a telephone conference call unless circumstances dictate otherwise. It is recommended that the hearing be taped to assist in the final disposition of the case. The taping of a hearing is at the discretion of the Hearing Officer. Telephone hearings will not be taped.
10. All requests for Informal Hearings, supporting documentation, and a copy of the final decision will be retained in the family's file.



# City of Virginia Beach

DEPARTMENT OF HOUSING AND  
NEIGHBORHOOD PRESERVATION  
(757) 385-5750  
FAX (757) 385-5786  
TDD (757) 385-5794  
CODE ENFORCEMENT DIVISION  
(757) 385-4421  
FAX (757) 385-5894

[VBgov.com](http://VBgov.com)

MUNICIPAL CENTER  
BUILDING 18A  
2424 COURTHOUSE DRIVE  
VIRGINIA BEACH, VIRGINIA 23456-9083  
[vbgov.com/dept/housing](http://vbgov.com/dept/housing)

03/26/2019

JANETT F PAKRAVAN  
309 CEDARWOOD COURT 102  
VIRGINIA BEACH VA 23454

THE ENCLOSED DOCUMENTS ARE FOR YOUR RECORDS.



# City of Virginia Beach

DEPARTMENT OF HOUSING AND  
NEIGHBORHOOD PRESERVATION  
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## SECTION 8 TENANT AND PROJECT-BASED HOUSING ASSISTANCE PAYMENTS PROGRAM STOP PAYMENT

Leasing Control Number to Stop: WL-14-024-01

Name of Head of Household: Janett F. Pakravan

Date Housing Assistance Payments  
Terminated/are to terminate: 4/1/2019

Abatement Stop  Temporary Stop  Permanent Stop

Reason: HQS

VOID Date \_\_\_\_\_

City of Virginia Beach - Housing Choice Voucher Program  
Inspection and Rental Payment Policies Effective February 1, 2008  
(Please Refer to Your HAP Contract for the Specific Language on Which This Policy is Based)  
Notice to Landlords, Owners and Property Managers

1. The City will not pay its share of the rent for any unit where violations have not been corrected within the initial timeframe(s) specified in this notice or by the end of any extension granted, whichever is later.
2. No extensions to time allowed for correction(s) are valid unless they are in writing.
3. In cases where violations are not corrected by the later of: (1) the initial timeframe(s) specified in this notice or (2) the end of any written extension granted, the City may terminate the HAP contract with you. Repeated failure to correct housing code violations may result in the City refusing to allow your participation in the Housing Choice Voucher program.
4. The tenant is not responsible for the City's portion of the rent. Owners are prohibited by the HAP contract from attempting to collect the City's portion of the rent from the tenant.

If you have any questions or concerns regarding the Abatement Stop above, contact Shawnti Todd at 385-5732. If you have specific questions regarding your case, contact your Housing Specialist.

ST

Administrative Agent's Signature

3/26/2019  
Date





March 26, 2019

LYNNHAVEN LANDING  
352 FERNWOOD COURT 101  
VIRGINIA BEACH VA 23454

### ABATEMENT NOTIFICATION

Dear Lynnhaven Landing:

You were previously notified to correct HQS deficiencies at the address identified below. To date, you've failed to correct those deficiencies. This unit is out of compliance with program requirements. The housing assistance payments (HAP) for this unit will be abated. We will terminate the unit contract from the program and provide the tenant their voucher to move if this unit does not meet HQS requirements within a reasonable period.

**UNIT ADDRESS:** 309 Cedarwood Court 102  
**INSPECTOR** Frank Grice

**ABATEMENT DATE:** April 1, 2019

Your tenant is not responsible for abated HAP. Owners are prohibited by contract from attempting to collect HAP payments from the tenant. Additionally, housing assistance payments will not resume until the unit deficiencies are corrected and the unit passes inspection. Abated housing assistance payments will not be refunded.

Your repeated failure to correct HQS deficiencies or housing code violations may result in the denial of your participation in the Housing Choice Voucher Program.

A HOUSE IS NOT A HOME UNTIL WE HAVE A HOME INSPECTOR VISITING YOUR HOME TODAY  
\*/114416854438/\*



The Virginia Beach Department of Housing & Neighborhood Preservation does business in accordance with the federal fair housing law and Section 504 program accessibility requirements. The department complies with the Fair Housing Act and provides reasonable accommodations and modifications to persons with disabilities. Virginia Beach Housing & Neighborhood Preservation does not discriminate on the bases of race, color, religion, sex, disability, familial status, national origin, sexual orientation or gender identity, in admission or access to its programs.







# City of Virginia Beach

DEPARTMENT OF HOUSING AND  
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(757) 385-5750  
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CODE ENFORCEMENT DIVISION  
(757) 385-4421  
FAX (757) 385-5684

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MUNICIPAL CENTER  
BUILDING 18A  
2424 COURTHOUSE DRIVE  
VIRGINIA BEACH, VIRGINIA 23456-9083  
vbgov.com/depthousing

April 09, 2019

Janett F. Pakravan  
309 Cedarwood Court #102  
Virginia Beach, VA 23454

Ms. Janett F. Pakravan:

## Schedule Hearing Date

As per your request, an Informal Hearing has been scheduled for **Wednesday, April 17, 2019 at 10:00 am**. It is absolutely necessary that you arrive at least 10 minutes before the hearing is to begin. Should an unforeseen emergency occur prior to your hearing time, you must call this office at (757) 385-5750 to receive an extended start time. Failure to appear at this hearing automatically waives your right to any further appeal.

If you are a person with disabilities, and you believe the disability-related limitation are mitigating factor, or if you believe a specific reasonable accommodation would allow the DHNP to reconsider this decision, you may request a reasonable accommodation. You may ask for the Reasonable Accommodation Form.

You also have protections under the Violence Against Women (VAWA) if you are a victim of domestic violence, dating violence, sexual assault or stalking. VAWA protections apply to men, women and children. A notice of VAWA protections and a VAWA certification form HUD-50066 are enclosed with this notice.

If you have any documentation or witnesses that may attest to your innocence, you are encouraged to bring them to the hearing, **all witnesses must have identification**. **Please be aware that we must be given an opportunity to examine any family documents directly relevant to the hearing prior to the hearing, or you may not rely on those documents at the hearing.**

Please be advised that you may **not** bring children with you to the hearing as we do not have the facilities to accommodate them.

Sincerely,

Syreeta McCoy  
Housing Specialist  
757.385.5747  
[SMccoy@vbgov.com](mailto:SMccoy@vbgov.com)

115806858266/s



The Virginia Beach Department of Housing & Neighborhood Preservation does business in accordance with the federal fair housing law and Section 504 program accessibility requirements. The department complies with the Fair Housing Act and provides reasonable accommodations and modifications to persons with disabilities. Virginia Beach Housing & Neighborhood Preservation does not discriminate on the bases of race, color, religion, sex, disability, familial status, national origin, sexual orientation or gender identity, in admission or access to its programs.



# City of Virginia Beach

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VIRGINIA BEACH, VIRGINIA 23456-8083  
vb.gov.com/dep/housing

April 24, 2019

Janett F. Pakravan  
309 Cedarwood Court 102  
Virginia Beach, VA 23454

Ms. Janett F. Pakravan:

RE: Housing Choice Voucher Program  
Results of Informal Hearing – (April 17, 2019)

On March 26, 2019, The City of Virginia Beach Department of Housing and Neighborhood Preservation sent Janett F. Pakravan a proposed termination of housing program assistance letter. The effective date of the proposed termination is April 30, 2019 and assistance was terminated for the following violations:

- 1) Failure to comply with Housing Quality Standards (HQS)
- 2) Failure to allow the housing unit to be inspected by Code Inspectors

24 CFR §982.401 Housing quality standards (HQS): (3) All program housing must meet the HQS performance requirements both at commencement of assisted occupancy, and throughout the assisted tenancy.

24 CFR §982.551 Obligations of participant: (d) Allowing PHA inspection. The family must allow the PHA to inspect the unit at reasonable times and after reasonable notice.

In accordance with HUD regulations at 24 CFR Part 982.554(b), an Informal Hearing was held on April 17, 2019 to provide you the opportunity to appeal the decision to terminate your participation in the Housing Choice Voucher Program.

The Hearing Officer has fully considered the entire record, including evidence submitted and witness statements, if applicable, and has found that the decision to terminate your participation in the Housing Choice Voucher Program, effective date of April 30, 2019 be upheld.

A copy of the Hearing Officer's report is enclosed for your review.

Sincerely,

Jefferey Ripley  
Housing Program Coordinator

CC: Syreeta McCoy, Housing Specialist  
Jill F. Rinaldo, Hearing Officer  
Lynnhaven Landing, Owner  
352 Fernwood Court 101

11/17/2019 11:17:35 AM  
11/17/2019 11:17:35 AM



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Informal Hearing Report  
RE: Janett Pakravan  
Dated: April 17, 2019

I have carefully reviewed the Informal Hearing documents provided by Section 8 DHNP regarding the above case. Ms. Pakravan was given the opportunity to appeal the termination decision by attending an Informal Hearing today to present evidence and rebut the case against her. Ms. Pakravan failed to appear and did not give notice of same. Consequently, valuable City resources were squandered in the form of time lost by Section 8 Staff and myself. My finding is to uphold the decision to terminate her participation in the Housing Choice Voucher Program.

Sincerely,

Jill F. Rinaldo  
Hearing Officer  
Direct Line: (757) 385-5834  
[jjrinald@vb.gov](mailto:jjrinald@vb.gov)



# City of Virginia Beach



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vbgov.com/dept/housing

## SECTION 8 TENANT AND PROJECT-BASED HOUSING ASSISTANCE PAYMENTS PROGRAM STOP PAYMENT

Leasing Control Number to Stop: WL-14-024-01

Name of Head of Household: Janett F. Pakravan

Date Housing Assistance Payments  
Terminated/are to terminate: 4/30/2019

Abatement Stop  Temporary Stop  Permanent Stop

Reason: End Participation (EDP)

VOID Date \_\_\_\_\_

City of Virginia Beach - Housing Choice Voucher Program  
Inspection and Rental Payment Policies Effective February 1, 2008  
(Please Refer to Your HAP Contract for the Specific Language on Which This Policy is Based)  
Notice to Landlords, Owners and Property Managers

1. The City will not pay its share of the rent for any unit where violations have not been corrected within the initial timeframe(s) specified in this notice or by the end of any extension granted, whichever is later.
2. No extensions to time allowed for correction(s) are valid unless they are in writing.
3. In cases where violations are not corrected by the later of: (1) the initial timeframe(s) specified in this notice or (2) the end of any written extension granted, the City may terminate the HAP contract with you. Repeated failure to correct housing code violations may result in the City refusing to allow your participation in the Housing Choice Voucher program.
4. The tenant is not responsible for the City's portion of the rent. Owners are prohibited by the HAP contract from attempting to collect the City's portion of the rent from the tenant.

If you have any questions or concerns regarding the Abatement Stop above, contact Shawnti Todd at 385-5732. If you have specific questions regarding your case, contact your Housing Specialist.

*Shawnti Todd*  
Administrative Agent's Signature

4/25/2019  
Date



Cedarwood

Buildings: 301, 303, 307, 309

Lynnhaven Landing  
352 Fernwood Court #101  
Virginia Beach, VA, 23454  
Phone: (757) 486.4044 | Fax: (757) 340.9323  
cwilloughby@chpc2.org

PROPERTY MANAGEMENT

Community Housing Partners  
475 Redford Avenue, Suite 300, Richmond, VA 23220 | 818.413.3723 | TTY: 711 | 818.413.3723 | www.CommunityHousingPartners.org

Notice of Inspection

Date: 8/6/18

Dear Valued Resident,

This is to notify you that between 9:00 AM, 4:00 PM on 8/7/18 and 8/10/18, we will be conducting an inspection of apartments in buildings \_\_\_\_\_. These will be conducted due to:

- Pest Control Inspection
- Standard Quarterly Unit Inspection Air Filter
- Preparation for an inspection from \_\_\_\_\_ on \_\_\_\_\_
- Current or Future Contractor Repairs
- Pre-Move Out Inspection

Should follow up inspections be necessary, we will return between n/a and n/a to address any outstanding work orders. We will need to access all closets during this inspection.

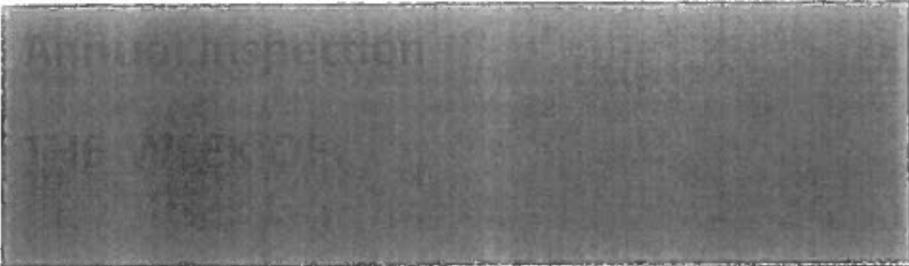
Please make sure any animal in your unit is secured and not in an area we need to inspect. We will need to inspect all areas of the apartment, including closets.

Should you require an accommodation during this brief inspection, please contact the leasing office at 757.486.4044.

Thank you,

\_\_\_\_\_  
Property Manager

We are an equal housing opportunity provider. We do not discriminate on the basis of race, color, sex, national origin, religion, disability or familial status (having children under age 18). We do not interfere, threaten, or coerce persons in the exercise of their fair housing rights. We do not retaliate against persons who have asserted their rights or persons who have assisted someone in asserting their rights.



DATE: 2/15/18

Dear Resident:

Your annual apartment inspection will be performed the week of:

2/16 - 2/23, 2018. Apartment Inspections and Air Filters will be completed on the above date and will be between the hours of 9am-5pm. During this process we will be checking the apartment for: Housekeeping, possible leaks, and our service team will change your smoke detectors batteries, air filters and cleaning HVAC closets.

Management cannot give a specific time Maintenance will be visiting your apartment. This inspection cannot be rescheduled, and must be done during this time.

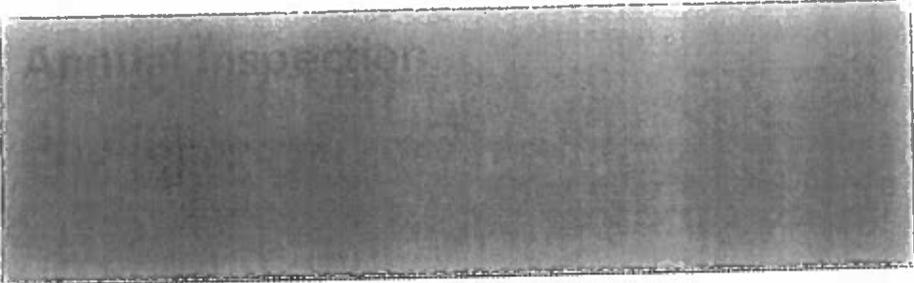
**Reminder: The leasing office must have a copy of your front door key. If you have borrowed the key from the Leasing Office or have changed your lock – please bring a copy in as soon as possible otherwise, when performing the inspection if there are no keys present then we will replace your lock and you will be charged a \$35.00 fee.**

Also please remember to put your pets up during this time as well so we can properly conduct this inspection.

If you have any questions or concerns please contact the Leasing Office at (757) 486-4044.

Kindest Regards,

Maintenance Team



DATE: 3/2/18

Dear Resident:

Your annual apartment inspection will be performed the week of:

3/5-3/9, 2018. Apartment Inspections and Air Filters will be completed on the above date and will be between the hours of 9am-5pm. During this process we will be checking the apartment for: Housekeeping, possible leaks, and our service team will change your smoke detectors batteries, air filters and cleaning HVAC closets.

Management cannot give a specific time Maintenance will be visiting your apartment. This inspection cannot be rescheduled, and must be done during this time.

Reminder: The leasing office must have a copy of your front door key. If you have borrowed the key from the Leasing Office or have changed your lock – please bring a copy in as soon as possible otherwise, when performing the inspection if there are no keys present then we will replace your lock and you will be charged a \$35.00 fee.

Also please remember to put your pets up during this time as well so we can properly conduct this inspection.

If you have any questions or concerns please contact the Leasing Office at (757) 486-4044.

Kindest Regards,

Maintenance Team

ANNUAL UNIT INSPECTION FORM

DATE: 3/9/18 TIME: 11:39

PROPERTY: L.L. 205 UNIT #: 309C102

RESIDENT'S NAME: PAK RAVAN

ENTRY: GLOBE: good DOOR LETTER: Painted White  
HANDRAIL: good VINYL: good

**LIVING ROOM:**

CARPET: Good  Fair  Poor   
BLINDS: good SCREENS: good WALLS: good

**KITCHEN:**

REFRIG: good STOVE: good RANGE HOOD: good  
COUNTER TOP good SINK: good LEAKS: YES  NO   
VINYL: \_\_\_\_\_

HVAC FILTER: CHANGED - YES  NO  / SMOKE ALARMS CHECKED: YES  NO   
2005

BATHROOM: TUB: ok COMODE: ok LEAKS: YES  NO   
VINYL: ok

**BEDROOM #1:**

CARPET: Good  Fair  Poor   
BLINDS: ok SCREENS: \_\_\_\_\_ WALLS: ok

**BEDROOM #2:**

CARPET: Good  Fair  Poor   
BLINDS: \_\_\_\_\_ SCREENS: \_\_\_\_\_ WALLS: ok

~~**BEDROOM #3:**~~

~~CARPET: Good  Fair  Poor  N/A  
BLINDS: N/A SCREENS: N/A WALLS: N/A~~

OVERALL CONDITION: Good  Fair  Poor

ADDITIONAL COMMENTS: Thank you again.

PETS: YES  NO

FOLLOW UP INSPECTION REQUIRED? YES  NO

Persons performing this inspection: Cressie + Tam

RESIDENT SIGNATURE X [Signature]

MANAGER SIGNATURE CR [Signature]

Prior Review Board  
Decisions Provided by  
Review Board staff

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VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of AMcL, LLC  
Appeal No. 18-14

DECISION OF THE REVIEW BOARD

Procedural Background

The State Building Code Technical Review Board (Review Board) is a Governor-appointed board established to rule on disputes arising from application of regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

Case History

On July 9, 2018, the County of Henrico Building Inspections Department (County), in enforcement of the 2012 Virginia Property Maintenance Code (VMC), issued a notice of violation to AML LLC for rental property located at 2112 Oakwood Lane. The notice outlined three VMC violations related to the lack of water service at the home.

Mr. Morrissey, agent for AMcL, LLC (AMcL) filed an appeal to the County of Henrico Local Board of Appeals (local appeals board) on July 12, 2018. The local appeals board conducted a hearing in August of 2018 and upheld the decision of the County. AMcL filed an application for appeal to the Review Board on August 20, 2018 after receipt of the local board's decision. The County rescinded the notice of violation on October 4, 2018.

A Review Board hearing was held on February 15, 2019. Appearing at the Review Board hearing for the Henrico County were John Butler, Greg Revels and John Gilbody, legal counsel. Michael Morrissey and Ronald Ame, attended on behalf of the AMcL, LLC.

#### Findings of the Review Board

- A. Whether or not to dismiss the appeal as not properly before the Board since the County rescinded the notice of violation, based on previous rulings of the Review Board which hold that no right of appeal exists where a NOV has been resolved.<sup>1</sup>

AMcL argued that the County had not filed a motion to dismiss the case as moot. AMcL further argued that the mere rescinding of the NOV did not render the appeal moot. The County argued that it had not filed a motion to dismiss because the issues for resolution indicated in the staff summary stated that the properness of the appeal before the Board based on the fact that the NOV had been rescinded would be the first issue addressed by the Review Board. The County stated that the rescinding of the NOV did not seem to be in dispute by AMcL. AMcL did not dispute the assertion.

The right to appeal is laid out by statute and by the building code. The Virginia Maintenance Code reads in part:

**107.5 Right of appeal; filing of appeal application.** *Any person aggrieved by the local enforcing agency's application of this code or the refusal to grant a modification to the provisions of this code may appeal to the LBBCA.*

The Maintenance Code clearly states that the right of appeal is for applications of the code and being aggrieved by those applications of the code. The Review Board consistently interpreted that the right to appeal is tied to applications of the code and the aggrievement by applications of the

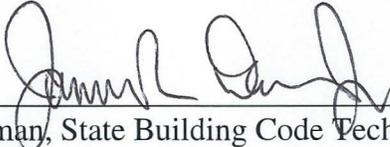
<sup>1</sup> See Review Board Case No. 03-3 and 17-9. See also Review Board Case Nos. 98-8, 98-16, 00-2, 00-14, 11-9&10, and 16-6.

code.<sup>2</sup> In other words, without applications of the code or being aggrieved by applications of the code, there is no right to appeal.

When the building official rescinded the NOV, which is the application of the code, he removed the application of the code. The removal of the application also ended whatever aggrievement there was against AMcL. Therefore, without the NOV there is no right to appeal. The Review Board finds that by rescinding the NOV, the County rescinded the cited violation and application of the code. So, AMcL no longer has a right to appeal in this case.

Final Order

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders the appeal to be, and hereby is, dismissed.

  
\_\_\_\_\_  
Chairman, State Building Code Technical Review Board

Date entered:        March 15, 2019

Certification

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with W. Travis Luter, Sr., Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

---

<sup>2</sup> *Id.*

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Long Fence Company, Inc.  
Appeal No. 03-3

Decided: June 20, 2003

DECISION OF THE REVIEW BOARD

I. PROCEDURAL BACKGROUND

The State Building Code Technical Review Board ("Review Board") is a Governor-appointed board established to rule on disputes arising from application of the Virginia Uniform Statewide Building Code ("USBC") and other regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. Enforcement of the USBC in other than state-owned buildings is by local city, county or town building departments. See § 36-105 of the Code of Virginia. An appeal under the USBC is first heard by a local board of building code appeals and then may be further appealed to the Review Board. See § 36-105 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act. See § 36-114 of the Code of Virginia.

## II. CASE HISTORY

In November 2002, the Prince William County USBC department conducted an inspection of a swimming pool fence at 6155 Treywood Lane. The fence was constructed by Long Fence Company, Inc. ("LFC"), a local fencing contractor. The inspector determined the fence did not comply with the USBC since it had openings greater than one and one quarter of an inch.

LFC replaced the fence with another type which was approved by the County, but also wrote to the County building official requesting reconsideration of whether the original type of fence met the code.

The building official responded by letter reiterating the reasons the original fence did not meet the code. The letter also informed LFC that it had a right to appeal.

LFC filed an appeal with the County of Prince William Board of Building Code Appeals ("County USBC board"), which heard and denied the appeal concurring with the building official that the original fence did not meet the requirements of the USBC. LFC then appealed the County USBC board's decision to the Review Board.

Based on past rulings of the Review Board, a preliminary hearing was scheduled to consider whether the appeal should be dismissed since no USBC violation existed. The parties were

given an opportunity to submit written arguments prior to the preliminary hearing and were given proper notice of the preliminary hearing. LFC attended the preliminary hearing and provided testimony. The County building official submitted a letter outlining the County's position and was not present at the preliminary hearing.

### III. FINDINGS OF THE REVIEW BOARD

The issue before the Review Board is whether to dismiss the appeal since the type of fence which was disapproved by the County UBSC department was replaced with a type of fence that was approved.

The statutory and USBC provisions governing appeals are in pertinent part as follows:

Section 36-105 of the Code of Virginia

"Appeals from the local building department concerning application of the [USBC] ... shall first lie to the local board of [USBC] appeals."

Section 122.5 of the USBC

"The owner of the structure, the owner's agent or any other person involved in the design, construction or maintenance of the structure ... may appeal the code official's application of the USBC ... ."

Previous rulings of the Review Board hold that the latest application of the USBC by an enforcing agency to a given set of circumstances is the only application of the USBC which may be

appealed and that no right of appeal exists where a USBC violation has been corrected.<sup>1</sup>

LFC chose to replace the fence with a type which would be approved by the County instead of filing an appeal of the disapproval. Therefore no controversy is left to be adjudicated and no right of appeal exists. The fact that the County USBC official advised LFC that it could appeal does not establish a right to appeal where none exists under the USBC.

#### IV. FINAL ORDER

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders the appeal to be, and hereby is, dismissed without prejudice.

*Michael A. Brewer Sr.*

Chairman, State Technical Review Board

*10-17-2003*

Date Entered

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to

<sup>1</sup> See Review Board Case Nos. 95-2, 98-21, 99-1 and 00-2.

you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Vernon W. Hodge, Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD  
(REVIEW BOARD)  
(For Determination of Whether to Dismiss as Moot)

IN RE: Appeal of William Wiehe, Jr. – Vice Versa Corporation  
Appeal No. 17-9

**DECISION OF THE REVIEW BOARD**

Procedural Background

The State Building Code Technical Review Board (Review Board) is a Governor-appointed board established to rule on disputes arising from application of regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

Case History

William Wiehe, Jr., President of Vice Versa Design Build Corporation (Vice Versa), originally filed an appeal of enforcement action under the Virginia Uniform Statewide Building Code, Part I, Construction (VCC), by the Fairfax County Department of Land Development Services (Fairfax County) relative to the home of Scott and Donna Voelkel located at 6488 Lake Meadow Drive

The notice of violation (NOV) listed three violations, two of which were resolved subsequent to the County appeals board hearing and decision; thus were removed from the appeal. The remaining issue involved the guardrail system installed on an outside deck. Vice Versa had the configuration of the deck guardrail system tested by an independent testing agency. The results of the testing were accepted by Fairfax County and the final inspection for the project was

approved; however, Vice Versa believes further action by Fairfax County is necessary to resolve the issue to its satisfaction. Vice Versa sought nullification of the NOV and the vacating of the adverse decision by the Fairfax County Board of Building Code Appeals (County appeals board). Fairfax County was not willing to rescind the notice of violation.

Appearing at the State Building Code Technical Review Board (Review Board) hearing for Fairfax County were Hayden Coddling, legal counsel, and Guy Tomberlin, Chief of the Inspections Branch of Fairfax County. Appearing at the Review Board hearing for Vice Versa were David McKennett, legal counsel, and William Wiehe, President of Vice Versa.

#### Findings of the Review Board

##### I. Whether the Notice of Violation was properly before the Review Board.

Vice Versa argued that the guard system was installed properly and in accordance with an inspection report provided to Fairfax County at the time the deck was initially inspected and that the guard system is code compliant; furthermore, Vice Versa asserts that no changes, corrections, or modifications had been made to the guard system since its initial installation. Vice Versa further argued that they had not corrected any of the three violations listed in the NOV and that the deck construction was exactly as it was when the first rejected inspection was performed. Vice Versa argued that there were never any violations associated with the deck, that the deck has always been compliant, and that the rejected inspection and subsequent NOV were issued in error and should be rescinded.

Fairfax County argued that changes to the deck were made to resolve the first two cited violations on the NOV and the third cited violation was resolved by the submittal of the engineer report; therefore, all violations had been resolved so there was no right to appeal.

The issue before the Review Board is whether to dismiss the appeal since Vice Versa resolved the three cited violations. Previous rulings of the Review Board hold that the latest application of the VCC by an enforcing agency to a given set of circumstances is the only application of the VCC which may be appealed and no right of appeal exists where a NOV has been resolved.<sup>1</sup>

Vice Versa chose to resolve the cited violations and indeed resolved them. Therefore, no controversy is left for this Review Board to adjudicate and no right of appeal exists.

II. Whether the letter of determination issued by the Building Official, which included some specific conditions for the approval of the final inspection, was properly before the Board.

Vice Versa argued that the letter of determination issued by the Building Official contained conditions for the final inspection approval making the approval subject to review at any time; thus, potentially causing harm to his client in the future. Vice Versa argued that the conditions set forth in the final approval were extra legal and outside the scope of the VCC.

Fairfax County argued that the perceived letter of determination issued by the Building Official was nothing more than an electronic mail (email), sent at the request of Vice Versa, explaining the Building Official's rationale for accepting the engineer's report for the guard system and subsequent approval of the final inspection. Fairfax County further argued that no conditions of the final exist by providing screen shots of the Fairfax County permitting and inspections software system (Fairfax County FIDO system) for this project.

Fairfax County offered to write a new final approval letter with language clarifying that there were no conditions on the approval. Counsel for Vice Versa presented this as an option to Wiehe who declined the offer, indicating Vice Versa preferred to continue with the appeal.

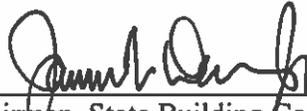
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<sup>1</sup> See Review Board Case No. 03-3. See also Review Board Case Nos. 95-2, 98-8, 98-21, 99-1, 00-2, and 01-11.

The Review Board finds that the letter of determination issued by the Building Official is properly before the Board. The Review Board further finds that the letter of determination issued by the Building Official was an email of explanation rather than an attempt to condition the approval of the guard system and that the information provided via screen in the Fairfax County FIDO system constituted the final approval and no conditions of the final are listed.

Order

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders this appeal to be, and hereby is, dismissed.



\_\_\_\_\_  
Chairman, State Building Code Technical Review Board

Date entered: \_\_\_\_\_

June 15, 2018

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Vernon Hodge, Acting Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Battlefield Rental Homes, Inc.  
Appeal No. 98-8

Decided: October 16, 1998

DECISION OF THE REVIEW BOARD

PROCEDURAL BACKGROUND

The State Building Code Technical Review Board (Review Board) is a Governor-appointed board established to rule on disputes arising from application of the Virginia Uniform Statewide Building Code (USBC) and other regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. Enforcement of the USBC in other than state-owned buildings is by local city, county or town building departments. See § 36-105 of the Code of Virginia and § 103.1 of the USBC. An appeal under the USBC is first heard by a local board of building code appeals and then may be further appealed to the Review Board. See § 36-105 of the Code of Virginia and § 121.1 of the USBC.

This appeal to the Review Board is of a decision of the County of Hanover USBC enforcement department (code official) who issued notices of violation under §§ 116.0 and 118.0 of the

USBC to Battlefield Rental Homes, Inc. (Battlefield) for permitting occupancy of two houses constructed by Battlefield and located at 8364 and 8378 Emmanuel Trail without a USBC certificate of occupancy.

Battlefield appealed the notices to the County of Hanover Board of Building Code Appeals (local appeals board). The local appeals board ruled to uphold the issuance of the notices. Battlefield then appealed to the Review Board.

Subsequent to the hearing of the appeal by the local appeals board, the code official issued a certificate of occupancy for the house at 8364 Emmanuel Trail and revoked the USBC building permit for the house at 8378 Emmanuel Trail.

Review Board staff conducted an informal fact-finding conference on September 25, 1998 which was attended by representatives of Battlefield, including their counsel, and the code official. Battlefield stipulated at the conference that the appeal concerning the house at 8364 Emmanuel Trail was withdrawn since the certificate of occupancy had been issued. Review Board staff informed the parties that a preliminary hearing would be scheduled before the Review Board for a determination of whether the appeal of the USBC notice of violation concerning the house at 8378 Emmanuel Trail was moot due to the revocation of the USBC building permit for that house.

The Review Board conducted the preliminary hearing on October 16, 1998. Representatives of Battlefield and the code official were present. Battlefield requested a postponement of the preliminary hearing stating the Review Board's notice of the hearing was received with insufficient time to arrange representation by legal counsel. The Review Board ruled to proceed with the preliminary hearing after being informed by the code official and Review Board staff that Battlefield was informed of the hearing date at the informal fact-finding conference.

#### STATEMENT OF PERTINENT FACTS

The code official states the construction of the house at 8378 Emmanuel Trail complies with the USBC's technical standards. However, during the course of construction, the code official was informed by County zoning officials that there was a problem with approval of the house and property under the County's Zoning Ordinance.

At the time the code official became aware that the house was being occupied the zoning problem had not been resolved. The code official determined the USBC certificate of occupancy could not be issued until the zoning problem was resolved. Since the house was occupied, the code official issued the USBC notice of violation.

Subsequent to the USBC notice of violation being issued, the code official determined to revoke Battlefield's USBC permit. The code official testifies that he believes the revocation of the permit to be the appropriate application of the USBC when zoning approval has not been obtained. The code official has not stated in writing to Battlefield that the USBC notice of violation for occupancy without a certificate of occupancy has been vacated.

#### FINDINGS OF THE REVIEW BOARD

Section 118.1 of the USBC, relating to certificates of occupancy, states in pertinent part:

"A certificate of occupancy, indicating completion of the work for which a permit was issued, shall be obtained prior to occupancy of a structure . . . ."

Due to more recent action of the code official to revoke the building permit, unless successfully challenged through appeal<sup>1</sup>, no permit now exists for constructing the house. Under § 118.1, no certificate of occupancy is needed or required in the absence of a permit. Therefore, there is no violation present of § 118.1. Since the code official used § 118.1 as the basis for the notice of violation, the notice is now without basis and invalid.

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<sup>1</sup> Testimony of the code official indicates an appeal of the revocation has already been filed by Battlefield.

The Review Board notes its decision to invalidate the notice of violation for occupancy of the house without a certificate of occupancy is not to be construed as a decision that the house at 8378 Emmanuel Trail is in compliance with the USBC. The Review Board recognizes that the revocation of the existing USBC permit by the code official withdraws all approvals issued under the permit and that any construction must comply with the regulatory process set out in the USBC prior to being determined to be in compliance with the USBC.

FINAL ORDER

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders the USBC notice of violation issued to Battlefield to be, and hereby is, moot due to the revocation of the building permit.

The appeal is dismissed without prejudice.

Michael A. Conner, Sr.  
Vice-Chairman, State Technical Review Board

11-20-98  
Date Entered

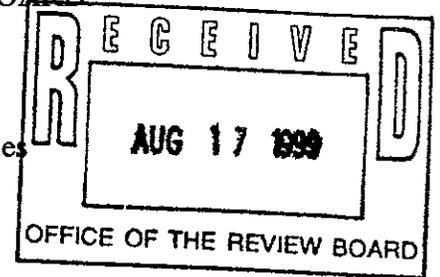
As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you

actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Norman R. Crumpton, Secretary of the State Building Code Technical Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Parker Lancaster Corporation and John E. Rhodes  
Appeal No. 98-16



Appellant/Appellee Parker Lancaster Corporation (Parker Lancaster) and  
Appellant/Appellee John R. Rhodes (Rhodes) have made the following representations:

1. Beginning in June, 1995, Parker Lancaster, a builder/vendor, constructed a single family home at 12301 Chiasso Way in Chesterfield County. The home was sold to the Rhodes on August 21, 1995. The Rhodes closed on the home and moved in on October 25, 1995.
2. After occupying the house, Rhodes notified Parker Lancaster and the Chesterfield County Building Inspection Department (the "building official") of certain alleged defects in construction. After investigation, the building official found some of the defects constituted code violations, and others did not. The building official also found that some of the code violations that had been cited had been corrected.
3. In August, 1998, Rhodes appealed a number of the building officials decisions to the Chesterfield County Board of Building Code Appeals (the "County Appeals Board").
4. The County Appeals Board heard Rhodes' appeal on September 23, 1998, and found six USBC violations. The County Appeals Board directed the building official to re-issue notices of violation for two of the violations, and to document

the remaining ones. The County Appeals Board also considered whether there was a USBS violation for not building the house in accordance with the approved plans and specifications, but did not rule that to be a violation.

5. By Application dated October 16, 1998, Parker Lancaster filed an appeal to the State Review Board. Rhodes filed an appeal to the Review Board by application dated October 26, 1998.
6. Rhodes filed a subsequent appeal to the County Appeals Board concerning the building official's failure to document a USBC for failure to build in accordance with the approved plans. The County Appeals Board heard Rhodes' appeal on December 2, 1998, and ruled for the building official to document that as a USBC violation. The building official did so by letter dated December 11, 1998.
7. The matters on appeal are as follows:
  - A. Whether the drain tile was installed in compliance with USBC Section 305.1.
  - B. Whether the roof rafter grading complies with USBC Section 703.1.
  - C. Whether a crack in the foundation violates Section R-503.1 of the CABO One and Two Family Dwelling Code (the "CABO Code") requiring exterior walls to provide a barrier to weather and insects.
  - D. Whether electrical cables in the crawl space were not secured in accordance with Section 300-11 of the National Electric Code.
  - E. Whether exposed vegetation in the crawl space was in violation of Section R311.1 of the CABO Code.

- F. Whether the first floor bearing walls were not built in compliance with Table R-402.3d of the CABO Code for walls supporting two floors, a roof, and ceiling, i.e., the first floor wall stud spacing/sizing is incorrect.
- G. Whether a USBC violation exists because the house was not built in accordance with the approved plans.
8. After review of the matters on appeal, the parties stipulate and agree as follows:
- A. That the violations for which the County Appeals Board directed the building official to re-issue notices of violation have been corrected and are now in compliance with the USBC.
- B. That the County Appeals Board lacked jurisdiction to direct documentation of the remaining code violations, because the Board acted in the absence of prior decisions of the building official on those items. On the merits of the documented violations, the parties agree that the items have either been corrected or do not constitute violations of the USBC.
- C. That the house not being built in accordance with the approved plans is not a violation of the USBC.

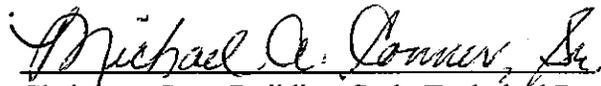
Based on the above representations, the State Building Code Technical Review Board hereby finds that the violations for which notices of violation were re-issued at the direction of the County Appeals Board have been corrected or abated.

The State Building Code Technical Review Board further finds that the County Review Board acted without jurisdiction in directing documentation of the remaining code violations, and

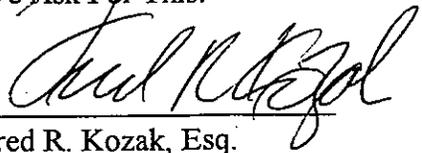
accordingly the Board's decisions with regard to those items are vacated. Since there is no other evidence that these items constitute violations, the Review Board further finds that no USBC violation exists relative to these items.

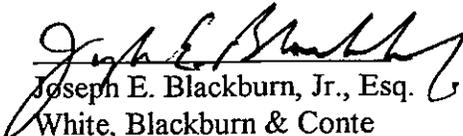
The State Building Code Technical Review Board further finds that no USBC violation exists relative to the house not being built in accordance with the approved plans.

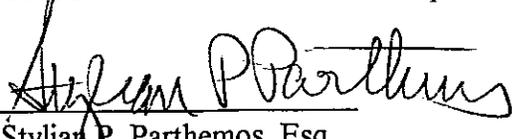
Because these findings resolve all issues with regard to the appeals filed by Parker Lancaster and John Rhodes, the Board hereby dismisses this appeal as moot.

  
Chairman, State Building Code Technical Review Board

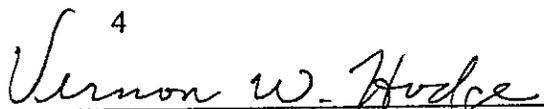
We Ask For This:

  
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701 East Franklin Street, Suite 1200  
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Counsel for John E. Rhodes

  
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Counsel for Parker Lancaster Corporation

  
Stylian P. Parthemos, Esq.  
Senior Assistant County Attorney  
9901 Lori Road, Suite 503  
Chesterfield, VA 23832  
Counsel for Chesterfield County

Attest: This final order was entered on August 20, 1999.

<sup>4</sup>  
  
Secretary, State Technical Review Board

VIRGINIA:

COPY

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of James Lapinski  
Appeal No. 00-2

Decided: May 19, 2000

DECISION OF THE REVIEW BOARD

I. PROCEDURAL BACKGROUND

The State Building Code Technical Review Board (the "Review Board") is a Governor-appointed board established to rule on disputes arising from application of the Virginia Uniform Statewide Building Code (the "USBC") and other regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. Enforcement of the USBC in other than state-owned buildings is by local city, county or town building departments. See § 36-105 of the Code of Virginia and § 103.1 of the USBC. An appeal under the USBC is first heard by a local board of building code appeals and then may be further appealed to the Review Board. See § 36-105 of the Code of Virginia and § 121.1 of the USBC. The Review Board's proceedings are governed by the Virginia Administrative Process Act. See Article 2 (§ 36-108 et seq.) of Chapter 6 of Title 36 of the Code of Virginia.

## II. CASE HISTORY

In October 1999, in response to a complaint by tenants, City of Virginia Beach USBC inspectors (the "code official") inspected a rental house owned by Mr. Lapinski at 2445 Sandpiper Drive. An inspection report was written and a USBC notice of violation issued. The violations noted were disrepair of several windows, some loose sheathing, a loose toilet, a water leak at a chimney vent, some exposed electrical wires and peeling paint on and difficult operation of a door.

After a follow-up inspection by the code official, a USBC condemnation order was issued due to the water leak at the furnace chimney vent. A condemnation order is an order that prohibits occupancy of a building.

Lapinski filed an appeal to the City of Virginia Beach Board of Building Code Appeals (the "City USBC appeals board") by brief faxed to the code official on November 23, 1999. The code official responded by letter on the same day stating a report had been received from an oil company concerning the furnace and that the condemnation order was rescinded. Lapinski faxed a response to the code official indicating he still wished to appeal.

The code official re-inspected Lapinski's house on December 6, 1999 and informed Lapinski by letter dated December 7, 1999 that the USBC violations had all been corrected.

At Lapinski's insistence, the City USBC appeals board heard Lapinski's appeal on December 20, 1999 and ruled to dismiss the appeal as moot since the USBC violations had been corrected and the condemnation order rescinded.

Lapinski then further appealed to the Review Board.

### III. PROCEEDINGS

Review Board staff conducted an informal fact-finding conference after receiving preliminary documents from the parties. The conference was attended by Lapinski, the code official and the City's legal counsel. The code official raised the issue of whether Lapinski's appeal was moot as decided by the City USBC appeals board. Lapinski requested the Review Board to rule on the merits of the USBC decisions of the code official, from a procedural and technical standpoint, asking for an invalidation and reversal of the issuance of the USBC notice of violation and condemnation order.

The parties were given a time period to submit additional documents for the record and to review the staff document resulting from the conference. Lapinski submitted a seven page brief along with other documents, supplementing the facts and issues set out in the staff document. The code official agreed with the staff document and indicated they would address any issues raised by Lapinski in verbal arguments at the hearing.

The hearing before the Review Board was scheduled for May 19, 2000. A Notice of Hearing was sent to the parties by certified/return receipt mail on May 3, 2000 indicating the hearing date and a hearing time of 10:00 a.m. A copy of the record was sent to the Review Board members and to the parties by regular mail on May 4, 2000.

The Review Board met on May 19, 2000 and opened a hearing on Lapinski's appeal at approximately 10:05 a.m. after dispensing with the approval of the minutes of a prior meeting and the approval of a final order in a prior case. The code official and the City's legal counsel were present. Lapinski was not present.

After brief arguments from the City's legal counsel, the hearing was closed and the Review Board entered deliberations. The Review Board then ruled to dismiss the appeal.

At approximately 10:15 a.m. Lapinski entered the meeting. The code official and the City's legal counsel were no longer present. Lapinski was informed the appeal had been heard and dismissed. At that time Lapinski proceeded to present arguments concerning his case to the Review Board. The Chairman of the Review Board re-opened the hearing to permit Lapinski to note his objection to the Review Board's decision for the record and to enter into the record pages four, five and six of his previously submitted seven page brief. Those pages had been omitted from the copy of the record sent to the Review Board and

outlined Lapinski's arguments concerning the technical aspects of the cited violations. The omitted pages did not address the issue of whether Lapinski's appeal was moot.

Lapinski then left the meeting and returned shortly submitting a handwritten notice of appeal of the Review Board's decision to dismiss the appeal.

#### IV. FINDINGS OF THE REVIEW BOARD

The controlling provision of the USBC concerning the validity of appeals is § 121.1 which states in pertinent part, "Appeals from the local building department concerning application of this code covering the manner of construction or materials to be used in the erection, alteration or repair of a structure shall first lie to the local board of building code appeals."

The Review Board has consistently ruled that where differing or multiple applications of the code concerning the same subject matter have been made by a code official, the latest or most current application of the USBC is considered to be the one in force and effect and is therefore the only decision subject to appeal. (See Review Board Appeal Nos. 98-8 and 99-1, *Battlefield Homes v. Hanover County*, where an appeal of a code official's refusal to issue a certificate of occupancy was ruled

moot due to the code official's subsequent decision to revoke the building permit for the same project.)<sup>1</sup>

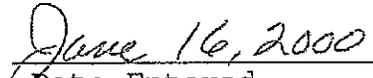
Likewise, in this case, the condemnation order and notice of violation issued by the code official and appealed by Lapinski are no longer in effect due to the subsequent decision of the code official to rescind the condemnation order and to acknowledge the correction of the cited violations. Accordingly, there is no appeal right for decisions no longer in effect.

#### V. FINAL ORDER

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders this appeal to be, and hereby is, dismissed as moot.

The appeal is denied.

  
\_\_\_\_\_  
Chairman, State Technical Review Board

  
\_\_\_\_\_  
Date Entered

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<sup>1</sup>The Review Board acknowledges in one case (Appeal No. 99-10, B & H Electric v. Prince William County) an appeal of the technical merits of a corrected violation was heard. However, that appeal was heard by mutual consent of the appealing party and the code official and therefore does not contradict established precedent.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Vernon W. Hodge, Secretary of the State Building Code Technical Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Wesley Stewart  
Appeal No. 00-14

Decided: November 16, 2001

DECISION OF THE REVIEW BOARD

I. CASE HISTORY

In enforcing the Virginia Uniform Statewide Building Code ("USBC"), the City of Suffolk USBC official ("code official") issued a notice of violation directing Wesley Stewart ("Stewart"), owner of property at 213 Turlington Road, to remove all obstructions from the rear door of his house and to paint and repair a detached garage.

Stewart filed an appeal to the City of Suffolk Board of Building Code Appeals ("City USBC board") requesting the board to nullify the notice, refund appeal fees, provide compensation for lost time and expenses and additional demands and stated in the appeal submission that there were no obstructions blocking the rear door of the house and that the garage was an old farm structure and therefore exempt from the USBC.

The City USBC board met and determined Stewart's garage was not a farm structure.

Stewart then filed an appeal to the Review Board.

Review Board staff conducted an informal fact-finding conference attended by Stewart and the code official resulting in the stipulation of issues for resolution by the Review Board. A subsequent hearing was held before the Review Board attended by Stewart and the code official. At the hearing, in addition to presenting arguments on the merits of his appeal, Stewart informed the Review Board members that he had not been properly notified of the City USBC board's hearing and was not in attendance at the meeting. Stewart requested the Review Board to issue an order directing the City USBC board to rehear the appeal with all parties present.

## II. FINDINGS OF THE REVIEW BOARD

The Review Board finds the issue of whether the USBC notice of violation should have been issued for Stewart's garage/shed to be a proper issue for appeal. Since there is disagreement over whether Stewart was present at the hearing before the City USBC board and minutes of the City USBC board meeting are not provided as part of the record of the appeal to the Review Board, the Review Board finds Stewart's request for this issue

to be remanded to the City USBC board for a proper hearing with all parties present to be appropriate.

The Review Board finds the issue of whether to overturn the issuance of the USBC notice of violation ordering Stewart to remove obstructions from the rear door of the house to be moot as the code official states there is no current USBC violation present. Stewart's appeal of this issue is therefore dismissed.

The Review Board finds the issues of whether to impose sanctions, punitive actions, disciplinary action, award the reimbursement of costs and any other issues raised by Stewart other than whether the issuance of the USBC notice of violation for the garage/shed is a correct application of the USBC are outside the purview of the USBC appeals process and are therefore dismissed.

### III. REMAND/DISMISSAL ORDER

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders the appeal of whether the USBC notice of violation should have been issued for Stewart's garage/shed to be, and hereby is, remanded to the City USBC board for a proper hearing with all parties present. In addition, and for the reasons set out herein, the Review Board orders all issues in Stewart's appeal other than the proceeding remanded issue, to be, and hereby are, dismissed.

The appeal is remanded in part with the remainder dismissed.

Michael A. Bonner, Sr  
Chairman, State Technical Review Board

01-25-2002  
Date Entered

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Vernon W. Hodge, Secretary of the State Building Code Technical Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of SNSA, Inc.  
Appeal Nos. 11-9 and 11-10

Hearing Date: August 19, 2011

DECISION OF THE REVIEW BOARD

I. PROCEDURAL BACKGROUND

The State Building Code Technical Review Board (Review Board) is a Governor-appointed board established to rule on disputes arising from application of the Virginia Uniform Statewide Building Code (USBC) and other regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. Enforcement of the USBC in other than state-owned buildings is by local city, county or town building departments. See § 36-105 of the Code of Virginia. An appeal under the USBC is first heard by a local board of building code appeals and then may be further appealed to the Review Board. See § 36-105 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act. See § 36-114 of the Code of Virginia.

## II. CASE HISTORY

SNSA, Inc. (SNSA), the lessee of a building located at 6220 Richmond Highway, in Fairfax County, and entity responsible for the operation of a restaurant and billiard parlor known as Fast Eddie's, appeals actions by the Fairfax County Fire and Rescue Department and the Fairfax County Department of Code Compliance.

Over the last several years, SNSA was involved in disputes with the Fairfax County Department of Planning and Zoning concerning its operation of Fast Eddie's and its use as a dance hall. SNSA appealed certain determinations to the Fairfax County Board of Zoning Appeals and undertook action in the courts in attempts to secure a non-residential use permit from the County.

During this time, and allegedly related to the zoning issues, in February of 2011, a late-night inspection was conducted by the Fairfax County Office of the Fire Marshal and a notice of violation issued under the Virginia Statewide Fire Prevention Code (SFPC) for patrons, staff and trash bags blocking the landings and stairs.

In April of 2011, the Office of the Fire Marshal issued a notice of revocation of the fire prevention code permit due to Fast Eddie's not having a current non-residential use permit from the County Department of Planning and Zoning.

Also in April of 2011, the Fairfax County Department of Code Compliance issued a notice of violation/notice of unsafe or unfit structure under Part III of the USBC, known as the Virginia Maintenance Code or VMC, to SNSA, requiring the building to be vacated due to not having the appropriate permits to use the building.

SNSA appealed both the SFPC notice of revocation and the VMC notice of violation to the Fairfax County Board of Building Code Appeals (County appeals board), which heard the appeals in June of 2011 and ruled to uphold both notices.

SNSA further appealed the decisions of the County appeals board to the Review Board.

In the Review Board staff reviewing the documents submitted in the appeal to the Review Board, it became apparent that the County Department of Planning and Zoning had issued a new non-residential use permit and the SFPC and VMC notices had effectively been rescinded prior to the hearing before the County appeals board, which, and based on prior decisions of the Review Board, raised the issue of whether appeals were moot.

SNSA's submittal to the Review Board indicated that it was aware of the subsequent actions by the County, but argued that the appeals were not moot.

Review Board staff then scheduled a preliminary hearing before the Review Board to address whether the appeals were

moot. The preliminary hearing was attended by legal counsel for SNSA and legal counsel and representatives of Fairfax County.

### III. FINDINGS OF THE REVIEW BOARD

SNSA argues that the appeals are not moot since the County has not rescinded the SFPC and VMC notices and their continued validity exposes SNSA to liability. In addition, SNSA argues that an appeal of whether the County's actions were illegal, without resolution, would subject SNSA to future punitive actions by state and local officials based on an un-rebutted determination that SNSA maintained the business in unsafe conditions warranting orders to close the business.

The Review Board finds that the SFPC and VMC notices have been sufficiently rescinded by the County given that the Office of the Fire Marshal has issued a new SFPC use permit for the building and representatives of the County Department of Code Compliance testified, under oath, in the preliminary hearing that there were no present violations of the VMC at Fast Eddie's.

The Review Board further finds that its statutory charge, under § 36-114 of the Code of Virginia, is limited only to hearing appeals from decisions arising under application of Virginia's building and fire regulations, specifically, in this case, the SFPC and USBC, and consistent with past decisions of

the Review Board, where such applications of the SFPC or USBC under appeal have been rescinded, corrected or are superseded by new decisions which effectively render the original applications of the codes void or invalid, such appeals are moot and may not be heard by the Review Board.

IV. FINAL ORDER

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders SNSA's appeals of the SFPC and VMC notices to be, and hereby are, dismissed as moot.

/s/\*

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Chairman, State Technical Review Board

Nov. 18, 2011

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Date Entered

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Vernon W. Hodge, Secretary of the Review Board. In the event that this decision

is served on you by mail, three (3) days are added to that period.

Virginia:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD (REVIEW BOARD)

IN RE: Appeal of Cynthia M. Owens  
Appeal No. 16-6

Hearing Date: January 17, 2017

DECISION OF THE REVIEW BOARD

I. PROCEDURAL BACKGROUND

The State Building Code Technical Review Board (Review Board) is a Governor-appointed board established to rule on disputes arising from application of regulations of the Department of Housing & Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act. See § 36-114 of the Code of Virginia.

II. CASE HISTORY

In December of 2015, Cynthia M. Owens (Owens) and her husband

hired Bill Peters, Inc. (Peters), a licensed Class A contractor, to perform structural alterations to the roof of her condominium located at 6802-B Oceanfront Avenue, in Virginia Beach. The work generally involved the demolition of a small, flat roof section and the installation of a new pitched roof.

Later in December, Peters applied for and obtained a building permit for the aforementioned work from the City of Virginia Beach Department of Planning and Community Development (City code office), the agency responsible for the enforcement of the Virginia Uniform Statewide Building Code (the Virginia Construction Code or VCC). Peters submitted an engineering plan with the permit application to describe the proposed work. Sinclair Pratt Cameron, P.C (Sinclair), a structural engineering firm hired directly by Owens, generated the plan.

In early January of 2016, Peters demolished the existing flat roof; fastened the new rafters to the ledger boards; framed a soffit; and installed plywood and fire retardant OSB roof sheathing.

On January 6, 2016, Sinclair performed a third party inspection of Peters' work on the home and approved it.

Subsequently, Sinclair submitted its approval to the City code office which accepted it as being in accordance with the city's third party inspection policy.

In June of 2016, six months after the original third party inspection, Cynthia M. Owens (Owens) contacted the City code office requesting it inspect Peters' work, alleging potential VCC violations. Owens asserted that Sinclair's approval of the work, as a third party inspector, did not comply with VCC requirements.

That same month, the City code office informed Owens by letter that it would not be citing Peters for any alleged VCC violations, based on its review of its own records and the information she submitted.

Subsequently, Owens filed an appeal to the City of Virginia Beach's Board of Building Code Appeals (local appeals board) which heard her appeal in August of 2016 and upheld the decision of the City code office not to "inspect, to revoke a passing inspection and /or cite the responsible contractor for potential USBC violations [...]".

Owens then further appealed to the Review Board.

Prior to the hearing on the appeal, the City notified Owens, and Review Board staff, that it would accept two letters from Marcos Freeman, P.E. (Freeman), dated September 13, 2016 and October 29, 2016, as cause to reject the previous third party inspection by Sinclair. This acceptance was based on destructive testing performed by Freeman subsequent to Owens'

hearing before the local appeals board.

The hearing before the Review Board was attended by Owens, representatives of the City code office and their legal counsel.

#### FINDINGS OF THE REVIEW BOARD

The initial issue raised at the hearing before the Review Board concerned the City's third party inspection policy relating to Sinclair's approval of the work performed by Peters on Owen's home. During her testimony, Owens contended that the policy was flawed and that the City should be required to reevaluate its policy. The City testified that its policy was developed in accordance with VCC Section 113.7.1 which states:

**"113.7.1 Third-party inspectors.** Each building official charged with the enforcement of the USBC shall have a written policy establishing the minimum acceptable qualifications for third-party inspectors. The policy shall include the format and time frame required for submission of reports, any prequalification or preapproval requirements before conducting a third-party inspection and any other requirements and procedures established by the building official."

After testimony from both parties on this issue, the Review Board's legal counsel informed the parties that the Review Board does not have any statutory authority over local government policies.

The pertinent issue before the Review Board is whether the appeal is moot due to the decision by the City code office, in January of 2017, to issue a Notice of Violation to Peters on the connected work his company performed on Owen's home. During its testimony on the issue, the City affirmed that it was prepared to 1.) to perform an onsite inspection of the contractor's work, 2.) to revoke the passing inspection of the work, and 3.) to cite the contractor for violating the statewide building code, all actions requested by Owens in her appeal to the local appeals board. In addition, Owens acknowledged that the City code office had agreed to perform the preceding actions against Peters, but expressed concern that there was not enough specificity in what the City planned to cite.

The Review Board has consistently ruled that where differing or multiple applications of the code concerning the same subject matter have been made by a code official, the latest or most current application of the VCC is considered to be the one in force and effect and is therefore the only decision subject to appeal. (See Review Board Appeal Nos. 98-8 and 99-1, Battlefield Homes v. Hanover County, where an appeal of a code official's refusal to issue a certificate of occupancy was ruled moot due to the code official's subsequent decision to revoke the building permits for the same project.)<sup>1</sup>

Likewise, in this case, the City code office's application of the code (i.e. its decision to not cite Peters) was superceded by its decision to issue a new Notice of Violation to Peters based on Freeman's third party inspection reports. Accordingly, there is no appeal right for decisions no longer in effect.

Therefore, after conducting a hearing attended by Owens and representatives of the City code office, and given the willingness of the City code office's to issue a Notice of Violation to Peters, the permit holder, the Review Board finds that the appeal is moot.

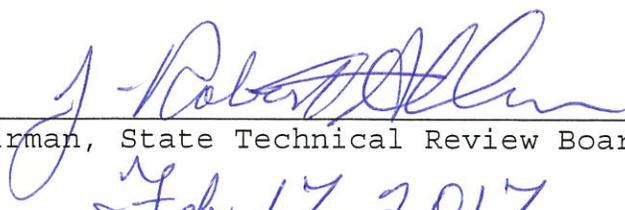
#### FINAL ORDER

The appeal hearing has been given due regard, and for the reasons set out herein, the Review Board orders this appeal to be, and hereby is, dismissed as moot.

The appeal is denied.

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<sup>1</sup> The Review Board acknowledges in one case (Appeal No. 99-10, B & H Electric v. Prince William County) an appeal of the technical merits of a corrected violation was heard. However, that appeal was heard by mutual consent of the appealing party and the code official and therefore does not contradict established precedent.

  
\_\_\_\_\_  
Chairman, State Technical Review Board

Feb. 17, 2017  
\_\_\_\_\_  
Date Entered

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Alan McMahan, Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

Additional Documents  
Submitted By  
Janett Pakravan

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Luter, William &lt;travis.luter@dhcd.virginia.gov&gt;

## Appeal 19-03 Objection to staff summary and jurisdictional issue

**Roberta Fisher** <owltree306@gmail.com>  
To: "Luter, William" <travis.luter@dhcd.virginia.gov>

Fri, Sep 27, 2019 at 1:36 PM

Objection to staff summary and jurisdictional issue.

This appeal is proper before The State Technical Review Board as it has been from my filing with The City of Virginia Beach Local Building Board Code of Appeals and it cannot be dismissed on legal grounds.

There is not now nor has there ever been a "jurisdictional issue". Mr. Luter has grossly erred in stating that " the County rescinded the notice of violation ".

The City of Virginia Beach Department of Housing and Neighborhood Preservation (DHNP) employee in charge of DHNP's Rental Housing program, Marcus Williamson, on March 8, 2019, stated that the city would not " pursue enforcement " of the VMC.

However, Marcus Williamson and DHNP are not empowered or vested with any jurisdiction over building code appeals nor can they make any decision or hear anything pertaining to building code appeals. The NOV was given to me on January 28, 2019 and it listed I could appeal the violations cited which I did on March 14, 2019. My Appeal to the LBBCA was proper and consistent with laws.

Only the Local Building Board Code of Appeals, LBBCA, is vested with the legal authority to hear, rule, issue resolutions and orders as it pertains to building code appeals at the initial step to oppose improper and illegal citing of violations.

My February 14, 2019 appeal to the LBBCA has never been heard by the LBBCA, ruled on, nor was there a resolution legally cited or a legal order issued by the LBBCA.

The State Technique Review Board's ordering of my appeal to the LBBCA that was heard on August 5, 2019 resulted in a resolution where the LBBCA cited they lacked jurisdiction as the violations had been rescinded which the State Technical Review Board is treating as lawful and proper before the STRB when it is not.

I submitted to the LBBCA a paper describing that my appeal of February 14, 2019 had been stolen by the DHNP, which is obstruction of filing and obstruction of justice along with my citing HUH federal statutes which overturned all of the DHNP's citng new violations of HUD Housing Choice Standards if which the LBBCA ignored as did DHNP.

point four of the staff summary states, "In a letter dated March 8, 2019, Virginia Beach informed Ms. Pakravan that the city would not pursue enforcement under the VMC." The City was not legally allowed to do this as the y were not responding to my appeal in the LBBCA but did so by a DHNP employee without power to do so as he was not a member of the LBBCA nor was he issuing a response to the LBBCA.

My objection to the preliminary hearing on jurisdiction is that

- 1) The issuing Virginia Beach Government Agency DHNP and Marcus Wiliusmson of tha agency who authored the March 8, 2019 letter of The City of Virginia Beach Department of Housing and Neighborhood Preservation (DHNP)never held jurisdiction of building code appeals to rescind a violation.
- 2) The DHNP employee, Marcus Williamson, who authored the DHNP March 8, 2019 letter is in charge of DHNP's Rental Housing program, is not vested with any power or authority to hear, rule, render decisions, issue resolutions or orders as it pertains to building code appeals
- 3) DHNP lacks any jurisdiction over building code appeals.

My appeal to the LBBCA was proper, legal, and not in dispute, and was obstructed after I filed it legally.

Marcus Williamson is not part of the heavily DHNP employee stacked LBBCA and cannot rescind any VMC violtions which were under appeal. HUD Housing Choice Standards are embedded in VM C Codes in orders of the City and when VMC is legally invoked and legally rescinded so too is the H C V of HUD. The VMC was Not legally rescinded nor was the embedded HUD Housing Choice Voucher.

245

The issue is not dismissal but is VMC illegal cited violations which do not exist.

Janett Pakravan



Luter, William &lt;travis.luter@dhcd.virginia.gov&gt;

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## Appeal 19-03 Part 2

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**pakrav@aol.com** <pakrav@aol.com>  
To: travis.luter@dhcd.virginia.gov

Fri, Sep 27, 2019 at 4:45 PM

It must be made expressly clear to the State Technical Review Board that my Appeal will not be redirected and deflected away from the code argument provided to the Board in the substantial evidence. While Director Friedman has requested a dismissal, his request shall not overshadow or even supercede and deflect away from my code argument in my appeal to The State Technical Review Board.

My appeal has not waived from my February 14, 2019 appeal which in the simplest of terms is that the DHNP Code Inspector, Robert L. Etheridge, failed to use the applicable building code for the year of construction of the dwelling unit located at 309 Cedarwood Court #102 which was constructed in 1972, over one year prior to the non-applicable VMC code which came into force on September 1, 1973. The only building code that applies to the dwelling unit located at 309 Cedarwood Court unit 102 is the building code in effect in 1972 which was The Virginia Public Building and Safety Regulation (VPBSR).

Under the correct and applicable VPBSR code, the dwelling unit at 309 Cedarwood Court #102 passed the January 25, 2019 Annual Inspection required under The Housing Choice Voucher Program by HUD that DHNP administers.

No other issue has been brought by the Appellant. I object to the Appellee's request to dismiss my appeal to the State Technical Review Board in its entirety. Appellee's argument that there is a lack of jurisdiction question before The State Technical Review Board is both meritless and baseless. DHNP knows that nowhere in The City or County of Virginia Beach nor anywhere in The Commonwealth of Virginia does a Housing Authority and their staff have jurisdiction to hear a building code appeal, rule on a building code appeal or issue a decision on a building code appeal. The sole agency vested with the jurisdictional authority to hear, rule, and decide building code appeals at the city and county level is The Local Building Board Code of Appeals (LBBCA) and that my appeal of February 14, 2019 to the Virginia Beach LBBCA was never heard, ruled and decided by the Virginia Beach LBBCA to rescind the violations.

DHNP's Rental Housing, Marcus Williamson, can write anything he pleases but that doesn't make it jurisdictionally legal. Mr. Williamson is not now nor has he ever been any part of the Virginia Beach LBBCA in any official capacity. His authority is nil to rescind code violations, remove code section numbers from code violations text, alter and expand the January 28, 2019 Notice of Violation, or separate the NOV of January 28, 2019 into two separate and distinct parts of Housing Quality Standards (HQS) and VMC when the violations cited were three violations under VMC with HQS embedded in it.

The January 28, 2019 NOV has never been resent by the Virginia Beach LBBCA. As such the January 28, 2019 NOV stands as currently in effect. When this matter was allowed to proceed to the Virginia Beach LBBCA on the authority of The State Technical Review Board on August 5, 2019, the Virginia Beach LBBCA failed themselves to issue an Order to rescind the January 28, 2019 code violations and they themselves erred by allowing Marcus Williamson's March 8, 2019 non-jurisdictional letter, as a DHNP employee, to stand as legal when the Virginia Beach LBBCA knows that they are the sole legally empowered government agency with jurisdiction to rescind building code violations. They failed to rescind them, claiming that they did not have jurisdiction and DHNP did.

Since Appellee has made a request to dismiss on lack of jurisdiction for Appellant to come before The State Technical Review Board, The Board is compelled to address the jurisdictional issue Appellee has brought before them.

The State Technical Review Board must decide:

1.) Were the building code violations rescinded by an agency and employee vested with jurisdictional authority over building code violations re: City of Virginia Beach DHNP employee Rental Housing Marcus Williamson who authored and signed his March 8, 2019 letter stating "We will not pursue enforcement under the VMC" which was a letter and not an "Order" and not rescinding but "not pursuing" according to a housing authority employee and not a Local Building Board Code of Appeals Board decision ordered at a hearing with any evidence presented by Appellant and Appellee?

2.) If the Board rules that there was never a jurisdictional authority "Order" to rescind the highly disputed and contested building code violations then the Board is bound by The Code of Virginia to accept, hear, rule on my code argument as presented to this Board with all supporting evidence in direct opposition to Appellee and the standing ongoing NOV of January 28, 2019.

Sincerely,

Janett Pakravan



Luter, William <travis.luter@dhcd.virginia.gov>

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## Appeal 19-03

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**pakrav@aol.com** <pakrav@aol.com>  
To: travis.luter@dhcd.virginia.gov

Fri, Sep 27, 2019 at 4:48 PM

Dear Mr. Luter,

I forgot to state that I have sent Part 2 of my objection via my aol account because I have temporarily lost access to my gmail account which is currently being repaired. Please accept part 2 from my aol account.

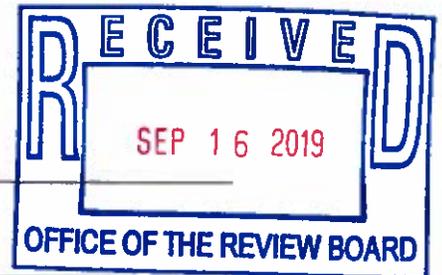
Thank you.

Janett Pakravan

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**REQUEST FOR INTERPRETATION**

TO: OFFICE OF THE STATE BUILDING CODE TECHNICAL REVIEW BOARD  
VIRGINIA DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT  
Main Street Centre  
600 E. Main Street, Suite 300  
Richmond, Virginia 23219-1321  
Tel: (804) 371-7150 Fax: (804) 371-7092  
Email: sbco@dhcd.virginia.gov



From: Lee Craft, Fairfax County

Phone Number : 703-324-1839

Email Address: lee.craft@fairfaxcounty.gov

Applicable Code: Virginia Plumbing Code (2015)

Code Section(s): 410.4 and definition WATER DISPENSER Chapter 2

Submitted by (signature):

Date:

09/12/19

**QUESTION(S):**

Per VPC 410.4 , water dispensers may be substituted for up to 50% of the required drinking fountains. The definition in Chapter 2 for WATER DISPENSER is rather broad. In a situation where three drinking fountains are required, and a high/low drinking fountain has been provided to satisfy VPC 410.3, the remaining drinking fountain may be substituted with a water dispenser.

Question #1) May the faucet of a pantry sink be used as the required water dispenser to satisfy VPC 410.4?

Question #2) If the answer to Question #1 is yes, what code section will prohibit a designer from using the service sink, kitchen sink, laundry tray etc. as the required water dispenser to satisfy VPC 410.4?

Question #3) If the answer to Question #1 is yes, fixtures such as a pantry sink are not intuitively identified as specifically intended for dispensing water into a cup, glass or bottle. What code section will provide for identification of these fixtures as WATER DISPENSER in order to verify code compliance for minimum provided plumbing fixtures during plan review and inspection?

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secured to the building structure with corrosion-resistant screws or bolts.

**405.4.2 Securing floor outlet fixtures.** Floor outlet fixtures shall be secured to the floor or floor flanges by screws or bolts of corrosion-resistant material.

**405.4.3 Securing wall-hung water closet bowls.** Wall-hung water closet bowls shall be supported by a concealed metal carrier that is attached to the building structural members so that strain is not transmitted to the closet connector or any other part of the plumbing system. The carrier shall conform to ASME A112.6.1M or ASME A112.6.2.

**405.5 Water-tight joints.** Joints formed where fixtures come in contact with walls or floors shall be sealed.

**405.6 Plumbing in mental health centers.** In mental health centers, pipes or traps shall not be exposed, and fixtures shall be bolted through walls.

**405.7 Design of overflows.** Where any fixture is provided with an overflow, the waste shall be designed and installed so that standing water in the fixture will not rise in the overflow when the stopper is closed, and no water will remain in the overflow when the fixture is empty.

**405.7.1 Connection of overflows.** The overflow from any fixture shall discharge into the drainage system on the inlet or fixture side of the trap.

**Exception:** The overflow from a flush tank serving a water closet or urinal shall discharge into the fixture served.

**405.8 Slip joint connections.** Slip joints shall be made with an *approved* elastomeric gasket and shall only be installed on the trap outlet, trap inlet and within the trap seal. Fixtures with concealed slip-joint connections shall be provided with an *access* panel or utility space not less than 12 inches (305 mm) in its smallest dimension or other *approved* arrangement so as to provide *access* to the slip joint connections for inspection and repair.

**405.9 Design and installation of plumbing fixtures.** Integral fixture fitting mounting surfaces on manufactured plumbing fixtures or plumbing fixtures constructed on site shall meet the design requirements of ASME A112.19.2/CSA B45.1 or ASME A112.19.3/CSA B45.4.

## SECTION 406 AUTOMATIC CLOTHES WASHERS

**406.1 Water connection.** The water supply to an automatic clothes washer shall be protected against backflow by an *air gap* that is integral with the machine or a backflow preventer shall be installed in accordance with Section 608. *Air gaps* shall comply with ASME A112.1.2 or A112.1.3.

**406.2 Waste connection.** The waste from an automatic clothes washer shall discharge through an *air break* into a standpipe in accordance with Section 802.4 or into a laundry sink. The trap and *fixture drain* for an automatic clothes washer standpipe shall be not less than 2 inches (51 mm) in diameter. The *fixture drain* for the standpipe serving an automatic clothes washer shall connect to a 3-inch (76 mm) or

larger diameter fixture *branch* or *stack*. Automatic clothes washers that discharge by gravity shall be permitted to drain to a waste receptor or an *approved* trench drain.

## SECTION 407 BATHTUBS

**407.1 Approval.** Bathtubs shall conform to ASME A112.19.1/CSA B45.2, ASME A112.19.2/CSA B45.1, ASME A112.19.3/CSA B45.4 or CSA B45.5/IAPMO Z124.

**407.2 Bathtub waste outlets and overflows.** Bathtubs shall be equipped with a waste outlet and an overflow outlet. The outlets shall be connected to waste tubing or piping not less than 1½ inches (38 mm) in diameter. The waste outlet shall be equipped with a water-tight stopper.

**407.3 Glazing.** Windows and doors within a bathtub enclosure shall conform to the safety glazing requirements of the *International Building Code*.

**407.4 Bathtub enclosure.** Doors in a bathtub enclosure shall conform to ASME A112.19.15.

## SECTION 408 BIDETS

**408.1 Approval.** Bidets shall conform to ASME A112.19.2/CSA B45.1.

**408.2 Water connection.** The water supply to a bidet shall be protected against backflow by an *air gap* or backflow preventer in accordance with Section 608.13.1, 608.13.2, 608.13.3, 608.13.5, 608.13.6 or 608.13.8.

**408.3 Bidet water temperature.** The discharge water temperature from a bidet fitting shall be limited to a maximum temperature of 110°F (43°C) by a water temperature limiting device conforming to ASSE 1070 or CSA B125.3.

## SECTION 409 DISHWASHING MACHINES

**409.1 Approval.** Commercial dishwashing machines shall conform to ASSE 1004 and NSF 3.

**409.2 Water connection.** The water supply to a dishwashing machine shall be protected against backflow by an *air gap* that is integral with the machine or a backflow preventer shall be installed in accordance with Section 608. *Air gaps* shall comply with ASME A112.1.2 or A112.1.3.

**409.3 Waste connection.** The waste connection of a dishwashing machine shall comply with Section 802.1.6 or 802.1.7, as applicable.

## SECTION 410 DRINKING FOUNTAINS

**410.1 Approval.** Drinking fountains shall conform to ASME A112.19.1/CSA B45.2 or ASME A112.19.2/CSA B45.1 and water coolers shall conform to AHRI 1010. Drinking fountains and *water coolers* shall conform to NSF 61, Section 9.

Electrically operated, refrigerated drinking *water coolers* shall be listed and labeled in accordance with UL 399.

**410.2 Small occupancies.** Drinking fountains shall not be required for an occupant load of 15 or fewer.

**[BE] 410.3 Provide high and low drinking fountains.** Where drinking fountains are required, not fewer than two drinking fountains shall be provided. One drinking fountain shall comply with the requirements for people who use a wheelchair and one drinking fountain shall comply with the requirements for standing persons.

**Exception:** A single drinking fountain with two separate spouts that complies with the requirements for people who use a wheelchair and standing persons shall be permitted to be substituted for two separate drinking fountains.

**410.4 Substitution.** Where restaurants provide drinking water in a container free of charge, drinking fountains shall not be required in those restaurants. In other occupancies where drinking fountains are required, *water dispensers* shall be permitted to be substituted for not more than 50 percent of the required number of drinking fountains.

**410.5 Prohibited location.** Drinking fountains, *water coolers* and *water dispensers* shall not be installed in public restrooms.

### SECTION 411 EMERGENCY SHOWERS AND EYEWASH STATIONS

**411.1 Approval.** Emergency showers and eyewash stations shall conform to ISEA Z358.1.

**411.2 Waste connection.** Waste connections shall not be required for emergency showers and eyewash stations.

### SECTION 412 FLOOR AND TRENCH DRAINS

**412.1 Approval.** Floor drains shall conform to ASME A112.3.1, ASME A112.6.3 or CSA B79. Trench drains shall comply with ASME A112.6.3.

**412.2 Floor drains.** Floor drains shall have removable strainers. The floor drain shall be constructed so that the drain is capable of being cleaned. *Access* shall be provided to the drain inlet. Ready *access* shall be provided to floor drains.

**Exception:** Floor drains serving refrigerated display cases shall be provided with *access*.

**412.3 Size of floor drains.** Floor drains shall have a drain outlet not less than 2 inches (51 mm) in diameter.

**412.4 Public laundries and central washing facilities.** In public coin-operated laundries and in the central washing facilities of multiple-family dwellings, the rooms containing automatic clothes washers shall be provided with floor drains located to readily drain the entire floor area. Such drains shall have an outlet of not less than 3 inches (76 mm) in diameter.

### SECTION 413 FOOD WASTE DISPOSER UNITS

**413.1 Approval.** Domestic food waste disposers shall conform to ASSE 1008 and shall be listed and labeled in accordance with UL 430. Food waste disposers shall not increase the *drainage fixture unit* load on the sanitary drainage system.

**413.2 Domestic food waste disposer waste outlets.** Domestic food waste disposers shall be connected to a drain of not less than 1½ inches (38 mm) in diameter.

**413.3 Commercial food waste disposer waste outlets.** Commercial food waste disposers shall be connected to a drain not less than 1½ inches (38 mm) in diameter. Commercial food waste disposers shall be connected and trapped separately from any other fixtures or sink compartments.

**413.4 Water supply required.** Food waste disposers shall be provided with a supply of cold water. The water supply shall be protected against backflow by an *air gap* or backflow preventer in accordance with Section 608.

### SECTION 414 GARBAGE CAN WASHERS

**414.1 Water connection.** The water supply to a garbage can washer shall be protected against backflow by an *air gap* or a backflow preventer in accordance with Section 608.13.1, 608.13.2, 608.13.3, 608.13.5, 608.13.6 or 608.13.8.

**414.2 Waste connection.** Garbage can washers shall be trapped separately. The receptacle receiving the waste from the washer shall have a removable basket or strainer to prevent the discharge of large particles into the drainage system.

### SECTION 415 LAUNDRY TRAYS

**415.1 Approval.** Laundry trays shall conform to ASME A112.19.1/CSA B45.2, ASME A112.19.2/CSA B45.1, ASME A112.19.3/CSA B45.4 or CSA B45.5/IAPMO Z124.

**415.2 Waste outlet.** Each compartment of a laundry tray shall be provided with a waste outlet not less than 1½ inches (38 mm) in diameter and a strainer or crossbar to restrict the clear opening of the waste outlet.

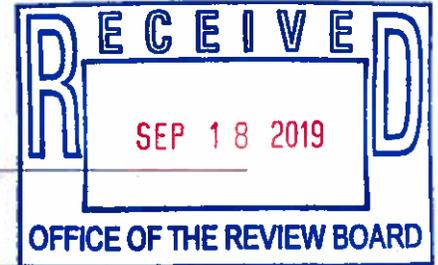
### SECTION 416 LAVATORIES

**416.1 Approval.** Lavatories shall conform to ASME A112.19.1/CSA B45.2, ASME A112.19.2/CSA B45.1, ASME A112.19.3/CSA B45.4 or CSA B45.5/IAPMO Z124. Group wash-up equipment shall conform to the requirements of Section 402. Every 20 inches (508 mm) of rim space shall be considered as one lavatory.

**416.2 Cultured marble lavatories.** Cultured marble vanity tops with an integral lavatory shall conform to CSA B45.5/IAPMO Z124.

REQUEST FOR INTERPRETATION

TO: OFFICE OF THE STATE BUILDING CODE TECHNICAL REVIEW BOARD  
VIRGINIA DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT  
Main Street Centre  
600 E. Main Street, Suite 300  
Richmond, Virginia 23219-1321  
Tel: (804) 371-7150 Fax: (804) 371-7092  
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From: Jamie R Wilks (Mathews County Building Official)

Phone Number: 804-725-7171

Email Address: jwilks@mathewscountyva.gov

Applicable Code: JRW 2015 ~~2012~~ Virginia Construction Code & Existing Building Code

Code Section(s): 102.3 exemption 1

Submitted by (signature):

Date:

9-18-2019

QUESTION(S):

I would like clarification as to whether a permit is required to upgrade or replace cell tower antennas on an existing cell tower.  
In the administration section of the Virginia Construction Code, there is verbage exempting some types of activities similar to cell tower antennas.  
Since an existing cell tower would fall under the Virginia Existing Building Code, any work performed would have to comply with the VEBC.  
In discussions with various local jurisdictions, there does not seem to be a consensus.

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## ADMINISTRATION

1. The provisions of Chapter 1 of this code supersede any provisions of Chapters 2 - 35 of the IBC that address the same subject matter and impose differing requirements.
2. The provisions of Chapter 1 of this code supersede any provisions of the codes and standards referenced in the IBC that address the same subject matter and impose differing requirements.
3. The state amendments to the IBC supersede any provisions of Chapters 2 - 35 of the IBC that address the same subject matter and impose differing requirements.
4. The state amendments to the IBC supersede any provisions of the codes and standards referenced in the IBC that address the same subject matter and impose differing requirements.
5. The provisions of Chapters 2 - 35 of the IBC supersede any provisions of the codes and standards referenced in the IBC that address the same subject matter and impose differing requirements.

**101.7 Administrative provisions.** The provisions of Chapter 1 establish administrative requirements, which include but are not limited to provisions relating to the scope of the code, enforcement, fees, permits, inspections and disputes. Any provisions of Chapters 2 - 35 of the IBC or any provisions of the codes and standards referenced in the IBC that address the same subject matter and impose differing requirements are deleted and replaced by the provisions of Chapter 1. Further, any administrative requirements contained in the state amendments to the IBC shall be given the same precedence as the provisions of Chapter 1. Notwithstanding the above, where administrative requirements of Chapters 2 - 35 of the IBC or of the codes and standards referenced in the IBC are specifically identified as valid administrative requirements in Chapter 1 of this code or in the state amendments to the IBC, then such requirements are not deleted and replaced.

**Note:** The purpose of this provision is to eliminate overlap, conflicts and duplication by providing a single standard for administrative, procedural and enforcement requirements of this code.

**101.8 Definitions.** The definitions of terms used in this code are contained in Chapter 2 along with specific provisions addressing the use of definitions. Terms may be defined in other chapters or provisions of the code and such definitions are also valid.

**Note:** The order of precedence outlined in Section 101.6 may be determinative in establishing how to

apply the definitions in the IBC and in the referenced codes and standards.

## SECTION 102 PURPOSE AND SCOPE

**102.1 Purpose.** In accordance with Section 36-99 of the Code of Virginia, the purpose of the USBC is to protect the health, safety and welfare of the residents of the Commonwealth of Virginia, provided that buildings and structures should be permitted to be constructed at the least possible cost consistent with recognized standards of health, safety, energy conservation and water conservation, including provisions necessary to prevent overcrowding, rodent or insect infestation, and garbage accumulation; and barrier-free provisions for the physically handicapped and aged.

**102.2 Scope.** This section establishes the scope of the USBC in accordance with Section 36-98 of the Code of Virginia. The USBC shall supersede the building codes and regulations of the counties, municipalities and other political subdivisions and state agencies. This code also shall supersede the provisions of local ordinances applicable to single-family residential *construction* that (i) regulate dwelling foundations or crawl spaces, (ii) require the use of specific building materials or finishes in *construction*, or (iii) require minimum surface area or numbers of windows; however, this code shall not supersede proffered conditions accepted as a part of a rezoning application, conditions imposed upon the grant of special exceptions, special or conditional use permits or variances, conditions imposed upon a clustering of single-family homes and preservation of open space development through standards, conditions, and criteria established by a *locality* pursuant to subdivision 8 of Section 15.2-2242 of the Code of Virginia or Section 15.2-2286.1 of the Code of Virginia, or land use requirements in airport or highway overlay districts, or historic districts created pursuant to Section 15.2-2306 of the Code of Virginia, or local flood plain regulations adopted as a condition of participation in the National Flood Insurance Program.

**Note:** Requirements relating to functional design are contained in Section 103.5 of this code.

**102.2.1 Invalidity of provisions.** To the extent that any provisions of this code are in conflict with Chapter 6 (Section 36-97 et seq.) of Title 36 of the Code of Virginia or in conflict with the scope of the USBC, those provisions are considered to be invalid to the extent of such conflict.

**102.3 Exemptions.** The following are exempt from this code:

1. *Equipment* and wiring used for providing utility, communications, information, cable television,

broadcast or radio service in accordance with all of the following conditions:

- 1.1. The *equipment* and wiring are located on either rights-of-way or property for which the service provider has rights of occupancy and entry.
  - 1.2. Buildings housing exempt *equipment* and wiring shall be subject to the USBC.
  - 1.3. The *equipment* and wiring exempted by this section shall not create an unsafe condition prohibited by the USBC.
2. Support structures owned or controlled by a provider of publicly regulated utility service or its affiliates for the transmission and distribution of electric service in accordance with all of the following conditions:
    - 2.1. The support structures are located on either rights-of-way or property for which the service provider has rights of occupancy and entry.
    - 2.2. The support structures exempted by this section shall not create an unsafe condition prohibited by the USBC.
  3. Direct burial poles used to support *equipment* or wiring providing communications, information or cable television services. The poles exempted by this section shall not create an unsafe condition prohibited by the USBC.
  4. Electrical *equipment*, transmission *equipment*, and related wiring used for wireless transmission of radio, broadcast, telecommunications, or information service in accordance with all of the following conditions:
    - 4.1. Buildings housing exempt *equipment* and wiring and structures supporting exempt *equipment* and wiring shall be subject to the USBC.
    - 4.2. The *equipment* and wiring exempted by this section shall not create an unsafe condition prohibited by the USBC.
  5. Manufacturing, processing, and product handling machines and *equipment* that do not produce or process hazardous materials regulated by this code, including those portions of conveyor systems used exclusively for the transport of associated materials or products, and all of the following service *equipment*:

5.1. Electrical *equipment* connected after the last disconnecting means.

5.2. Plumbing piping and *equipment* connected after the last shutoff valve or backflow device and before the *equipment* drain trap.

5.3. Gas piping and *equipment* connected after the outlet shutoff valve.

Manufacturing and processing machines that produce or process hazardous materials regulated by this code are only required to comply with the code provisions regulating the hazardous materials.

6. Parking lots and sidewalks, that are not part of an accessible route.

7. Nonmechanized playground or recreational equipment such as swing sets, sliding boards, climbing bars, jungle gyms, skateboard ramps, and similar equipment where no admission fee is charged for its use or for admittance to areas where the equipment is located.

8. *Industrialized buildings* subject to the Virginia *Industrialized Building Safety Regulations* (13VAC5-91) and *manufactured homes* subject to the Virginia *Manufactured Home Safety Regulations* (13VAC5-95); except as provided for in Section 427 and in the case of demolition of such *industrialized buildings* or *manufactured homes*.

9. Farm buildings and structures, except for a building or a portion of a building located on a farm that is operated as a restaurant as defined in Section 35.1-1 of the Code of Virginia and licensed as such by the Virginia Board of Health pursuant to Chapter 2 (Section 35.1-11 et seq.) of Title 35.1 of the Code of Virginia. However, farm buildings and structures lying within a flood plain or in a mudslide-prone area shall be subject to flood-proofing regulations or mudslide regulations, as applicable.

10. Federally owned buildings and structures unless federal law specifically requires a permit from the *locality*. Underground storage tank installations, modifications and removals shall comply with this code in accordance with federal law.

11. Off-site manufactured intermodal freight containers, moving containers, and storage containers placed on site temporarily or permanently for use as a storage container.

## ADMINISTRATION

12. Automotive lifts.

### SECTION 103 APPLICATION OF CODE

**103.1 General.** In accordance with Section 36-99 of the Code of Virginia, the USBC shall prescribe *building regulations* to be complied with in the *construction* and rehabilitation of buildings and structures, and the *equipment* therein.

**103.1.1 Virginia Existing Building Code.** Part II of the Virginia Uniform Statewide Building Code, also known as the “Virginia Existing Building Code,” or the “VEBC” is applicable to *construction* and rehabilitation activities in existing buildings and structures, as those terms are defined in the VEBC, except where specifically addressed in the VCC.

**103.2 When applicable to new construction.** *Construction* for which a permit application is submitted to the *local building department* on or after the effective date of the 2015 edition of the code shall comply with the provisions of this code, except for permit applications submitted during a one-year period beginning on the effective date of the 2015 edition of the code. The applicant for a permit during such one-year period shall be permitted to choose whether to comply with the provisions of this code or the provisions of the edition of the code in effect immediately prior to the 2015 edition. This provision shall also apply to subsequent amendments to this code based on the effective date of such amendments. In addition, when a permit has been properly issued under a previous edition of this code, this code shall not require changes to the approved *construction* documents, design or *construction* of such a building or structure, provided the permit has not been suspended or revoked.

**103.3 Nonrequired equipment.** The following criteria for nonrequired *equipment* is in accordance with Section 36-103 of the Code of Virginia. Building owners may elect to install partial or full fire alarms or other safety *equipment* that was not required by the edition of the USBC in effect at the time a building was constructed without meeting current requirements of the code, provided the installation does not create a hazardous condition. Permits for installation shall be obtained in accordance with this code. In addition, as a requirement of this code, when such nonrequired *equipment* is to be installed, the building official shall notify the appropriate fire official or fire chief.

**103.3.1 Reduction in function or discontinuance of nonrequired fire protection systems.** When a nonrequired fire protection system is to be reduced in function or discontinued, it shall be done in such a manner so as not to create a false sense of protection. Generally, in such cases, any features visible from

interior areas shall be removed, such as sprinkler heads, smoke detectors or alarm panels or devices, but any wiring or piping hidden within the *construction* of the building may remain. Approval of the proposed method of reduction or discontinuance shall be obtained from the building official.

#### **103.4 Use of certain provisions of referenced codes.**

The following provisions of the IBC and of other indicated codes or standards are to be considered valid provisions of this code. Where any such provisions have been modified by the state amendments to the IBC, then the modified provisions apply.

1. Special inspection requirements in Chapters 2 - 35.
2. Testing requirements and requirements for the submittal of *construction* documents in any of the ICC codes referenced in Chapter 35 and in the IRC.
3. Section R301.2 of the IRC authorizing localities to determine climatic and geographic design criteria.
4. Flood load or flood-resistant *construction* requirements in the IBC or the IRC, including, but not limited to, any such provisions pertaining to flood elevation certificates that are located in Chapter 1 of those codes. Any required flood elevation certificate pursuant to such provisions shall be prepared by a land surveyor licensed in Virginia or an RDP.
5. Section R101.2 of the IRC.
6. Section N1102.1 of the IRC and Sections C402.1.1 and R402.1 of the IECC.

**103.5 Functional design.** The following criteria for functional design is in accordance with Section 36-98 of the Code of Virginia. The USBC shall not supersede the regulations of other state agencies that require and govern the functional design and operation of building related activities not covered by the USBC, including but not limited to (i) public water supply systems, (ii) waste water treatment and disposal systems, and (iii) solid waste facilities. Nor shall state agencies be prohibited from requiring, pursuant to other state law, that buildings and *equipment* be maintained in accordance with provisions of this code. In addition, as established by this code, the building official may refuse to issue a permit until the applicant has supplied certificates of functional design approval from the appropriate state agency or agencies. For purposes of coordination, the *locality* may require reports to the building official by other departments or agencies indicating compliance with their regulations applicable to the functional design of a building or

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# Commonwealth of Virginia 2020 Pay and Holiday Calendar

## Meeting Dates

### State Holidays

- January 1**  
New Year's Day
- January 17**  
Lee-Jackson Day
- January 20**  
Martin Luther King, Jr. Day
- February 17**  
George Washington Day
- May 25**  
Memorial Day
- July 3**  
Independence Day
- September 7**  
Labor Day
- October 12**  
Columbus Day & Yorktown Victory Day
- November 11**  
Veterans Day
- November 25**  
4 hours additional holiday time
- November 26**  
Thanksgiving
- November 27**  
Day After Thanksgiving
- December 24**  
8 hours additional holiday time
- December 25**  
Christmas

**Please note:** In some agencies, the holiday and payday schedule may vary from what is shown here. If you have questions, see your agency human resources officer.

Denotes Payday

Denotes Holiday

Denotes Additional Time Off 8 hrs 4 hrs

Denotes Payday on Holiday or Time Off

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### January

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