

March 23, 2020

The Honorable Ralph S. Northam
Governor of Virginia
P.O. Box 1475
Richmond, VA 23218

Dear Governor Northam:

On behalf of the Virginia Association for Commercial Real Estate (VACRE), I am writing to commend you for the tremendous manner in which you have led Virginia's response to the COVID-19 pandemic. All Virginians should be grateful and respectful of the tireless and heroic work being led by you, Virginia's state and local governments, our first responders and Virginia's hospital and health care personnel. COVID-19 poses an unprecedented challenge to public health, the economy and all of Commonwealth's residents, particularly its elderly, disabled, low-income and the many Virginians who have lost or face the loss of their jobs.

VACRE represents approximately 2000 members throughout Virginia whose companies support commercial building development and ownership, which includes health care facilities, office, mixed-use, industrial, data centers, high rise multi-family, hotels and retail. Our three member chapters are NAIOP Northern Virginia, the Greater Richmond Association for Commercial Real Estate (GRACRE) and the Hampton Roads Association for Commercial Real Estate (HRACRE).

Because of the office closures necessitated by critical social distancing requirements, the difficulties being faced by local governing bodies from meeting consistent with the FOIA requirements of state law and the potential for significant disruption to Virginia's commercial and residential real estate industry, as well as the economy, we respectfully request that your Administration consider exercising its executive authority in this time of emergency to:

(i) Extend the date of expiration of all existing approvals issued by the Commonwealth or any agency or political subdivision thereof, including without limitation, any permits, licenses, registrations and other authorizations due to expire during the state of emergency under applicable laws and regulations for a period equal to the number of days comprising the duration of the state of emergency (i.e. March 12, 2020 until the date upon which the state of emergency is ordered terminated), and

(ii) Toll for a period commencing on March 12, 2020 and terminating on the date upon which the state of emergency is ordered terminated the running of any applicable period or deadline imposed by the governing body of any agency or subdivision of the Commonwealth pursuant to any general or special law enacted by the General Assembly or the governing body of any subdivision of the Commonwealth, which shall expressly include, without limitation, the period of validity of all special use permits, conditional use permits, preliminary and final site plans and subdivision plats, and building permits but expressly excluding any period or deadline imposed by Title 8.01 (Civil Remedies and Procedure) and Title 19.2 (Criminal Procedure) of the Code of Virginia (1950), and (iii) As your administration considers any additional declarations or public health orders as a result of the crisis, it is essential that communities have access to professionals to build and maintain essential services including: building, plumbing, electrical, HVAC systems, waste/wastewater treatment plants and power generations.

VACRE also respectfully asks that you designate both residential and commercial construction as "essential" because both are necessary to maintain safety, sanitation, and economic security within our communities. Many commercial projects are supporting industries, like Amazon HQ2, data centers, distribution centers and hospitals, to name a few, that are facing increased demands and are essential to the continued well-being of Virginia residents and the resiliency of our economy in these unprecedented times. The residential and commercial construction industries are well-suited for work outdoors and to maintain social distancing among its workers. As such, designating this work to be essential will remain consistent with your public health objectives.

We concur with the letters that you have received on behalf of the homebuilding and construction industry and request that any additional declarations or public health orders: (1) Recognize that construction of residential and commercial projects is essential and should be allowed to continue under a remain in place order; (2) Permit government functions related to the building and development process, such as inspections, permitting and plan review services, to be modified to protect the public

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health, but fundamentally should continue and serve the construction industry (e.g., Allow qualified private third-party inspections in case of government shutdown); (3) Permit supply stores necessary to serve the construction, repair and maintenance of commercial and residential development to operate; and (4) Allow those working in building trades to continue to maintain the essential operation of residences and other operating businesses.

HBAV documents in their March 21 letter to you that there is precedent in a number of other states for Executive Action being taken as we request. We concur in those findings. Should you believe there is a lack of authority for any of the requested actions, we hope you will support their resolution at a Special Session of the General Assembly to be called when you deem appropriate in the near future.

Again, VACRE supports and commends your efforts to address the COVID-19 virus and recognizes the complexity and sometimes competing interests at play as you move swiftly and decisively to win the battle our state and nation face. Thank you for all that you and your Administration are doing to protect the public health of our citizens and to stabilize Virginia's economy.

Please contact me or Phil Abraham if you have any questions on this or we can assist in any way.

My best to you,



Martha D. Marks

Executive Vice President

Virginia Association for Commercial Real Estate

President

NAIOP Northern Virginia

CC (via email):

The Honorable Clark Mercer, Chief of Staff to the Governor

The Honorable Brian Ball, Secretary of Commerce and Trade

Angela Navarro, Deputy Secretary of Commerce and Trade

Matt Mansell, Director of the Office of Policy and Legislative Affairs

Erik Johnston, Director of the Department of Housing and Community Development

VACRE Board of Directors

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