

VIRGINIA CODE COMMISSION

Tuesday, August 18, 2026 - 1:00 p.m.

House Committee Room C - General Assembly Building

DRAFT

Meeting Minutes

Members present: Nicole S. Cheuk, Travis Hill, Ryan T. McDougale, Matthew McGuire, Johnny E. Morrison, Christopher R. Nolen, Marcus Simon, Charles S. Sharp, Malfourd W. Trumbo, Amigo R. Wade.

Members participating virtually: Russet W. Perry.

Members absent: Michael P. Mullin, Katrina E. Callsen.

Staff present: Holly Trice, Meg Lamb, Erin Comerford, Division of Legislative Services.

Others present: Tom Lisk, ALAC; Andrew Clark, Home Builders Association of Virginia; Michelle Gowdy, Virginia Municipal League.

Call to order: Delegate Marcus Simon, Chair of the Code Commission, called the meeting to order at 1:00 p.m. Ms. Holly Trice, Registrar of Regulations, called role.

Pursuant to § 2.2-3708.3 of the Code of Virginia, Senator Russet Perry, Vice-Chair of the Code Commission, participated remotely.

A quorum of the commission was present in person.

Welcome and introduction of new members: Mr. Matthew McGuire, counsel to Governor Spanberger, introduced himself. Judge Johnny E. Morrison, a former attorney for the Commonwealth and circuit court judge for the City of Portsmouth, also introduced himself. Chair Simon thanked both new members for being a part of the commission.

Review and approval of June 3, 2026, minutes: A motion was made to approve the minutes, properly seconded, and passed unanimously.

Recodification of Title 30 - Meg Lamb, DLS

Before inviting Ms. Lamb to report, Chair Simon explained that an enactment clause of the Title 30 recodification bill required a work group meeting between the commission and the Clerks of the House of Delegates and Senate of Virginia to resolve remaining concerns. He reported that there was good consensus and that he believed these concerns were addressed.

Meg Lamb, Deputy Director, DLS, provided further update on the recodification of Title 30. Ms. Lamb clarified that the concerns regarding the accuracy of the terms "legislative assistants" and "administrative assistants" in § 30.1-111 of the Code of Virginia were due to confusion over budgeting. She reported that the work group had completed its meeting, the language had been clarified, and the commission was provided with the new language. Ms. Lamb stated that the work group would be bring a revised version of the recodification bill to the commission in the fall.

Chair Simon noted that this issue stemmed from the need to get rid of obsolete language during the recodification.

A motion was made to adopt the updated language into the recodification bill and properly seconded. The motion passed unanimously.

Ms. Trice then reminded the public how to send a comment via email.

Status Update: House Bill 2660 Work Group - Andrew Clark, Home Builders Association of Virginia; Michelle Gowdy, Virginia Municipal League

Ms. Michelle Gowdy of the Virginia Municipal League and Mr. Andrew Clark of the Home Builders Association of Virginia presented to the commission. Ms. Gowdy reported that the work group was getting close to a presentable draft, having negotiated most of the major points, and that there was an upcoming meeting on September 17, after which the work group would return to present a more final proposal.

Chair Simon requested a reminder of the work group's process and goals as the work group began two years ago. Mr. Clark explained that the work group is focused on §§ 15.2-2259 and 15.2-2260, relating to the review of local site plans and subdivision plats. He stated that what should be a standardized process is implemented differently across jurisdictions. The goals of the work group were to improve predictability, and standardize terminology.

Chair Simon noted a lot of stricken language and asked whether it was the case that it was easier to strip out old language and rewrite the sections. Ms. Gowdy explained that the original statute commingled commercial and single family construction whereas the proposal separates commercial, mixed-use, and residential provisions.

Chair Simon asked if the highlighted portions are what is still up for debate or non-consensus matters. Mr. Clark confirmed. Ms. Gowdy reiterated that their goal was to have something for the fall.

After no more questions were raised, Chair Simon thanked Ms. Gowdy and Mr. Clark for their report and introduced Mr. Tom Lisk.

Status Update: ALAC APA Work Group - Tom Lisk, Chair, ALAC

Mr. Tom Lisk, Chair, Administrative Law Advisory Committee, reported that the two ALAC work groups on the preservation of error doctrine and the harmless error doctrine hope to have reports to the commission by the end of the year.

Mr. Lisk reported that the commission also asked ALAC to review Articles 1 and 2 of the Administrative Process Act (APA) and return with recommendations. He stated that this would be addressed by the full committee looking first at Article 1, which includes exemptions and definitions, then Article 2, which would require input from many more stakeholders.

Mr. Christopher Nolen asked whether ALAC would only be looking at exemptions within the APA and not in other places of the Code of Virginia where exemptions to the APA exist. Mr. Lisk clarified that they would just be looking at those two articles, but that if the commission requested, ALAC would expand its review. Chair Simon asked if there was a desire to look beyond Articles 1 and 2. Mr. Nolen stated that for full context it would be helpful to understand where other exemptions lie.

Mr. Lisk suggested to Chair Simon that ALAC first review Articles 1 and 2 and then look into the desirability of expanding scope, explaining that it could be a very expansive review.

After some discussion about this possibility, Chair Simon thanked Mr. Lisk for the update. The commission then turned to the subject of the next recodification project.

Discussion and selection of next recodification - Chair Simon

Chair Simon reported that Title 24.2 (Elections) was no longer a candidate due to the political nature of the subject. Chair Simon suggested that Title 43 (Mechanics' and Certain Other Liens), which saw multiple, complicated bills during the previous session, might be worth looking into.

Senator Perry noted that there were also numerous housing bills that overlapped and suggested Title 36 (Housing) as an option. She noted that the Senate also discussed cleaning up the language in Title 49 (Oaths, Affirmations and Bonds), which appears to have overlap and different uses of phrases.

Chair Simon said that he saw the benefit of cleaning up Title 49. He asked about the criteria for deciding on the next project. Ms. Trice responded that the commission generally considers the time elapsed since the last recodification of a given title, what staff is available, and if there are outside letters requesting a specific title. Chair Simon stated that there had been no such requests. Director Amigo Wade, DLS, also discussed the identification of archaic language and pointed out that Title 36 has language from as far back as 1910.

Chair Simon noted that there were now three candidates for recodification: two smaller titles [43, 49] and Title 36, which is larger and more substantive. He asked whether there was a preference, after the two-year Title 30 recodification, for working on a shorter title first before moving onto housing. Chair Simon then pointed out that housing is addressed in Titles 15.2 and 55.1 and Ms. Gowdy returned to the podium to affirm that Title 15.2 touches so much of housing that it would naturally need to be the next title recodified after Title 36.

Chair Simon asked for opinions from the commission. After some discussion about Title 48 (Nuisances), which Senator Perry said she had received a phone call about, Mr. Travis Hill asked about staff capacity and whether staff saw an immediate need for recodifying any particular title. Director Wade said that there may not be capacity for Title 36, but that something narrower like Title 48 could work from a staffing standpoint.

Chair Simon then suggested recodifying Title 48 first and Title 36 later so that staff could prepare. After no objections were raised, Chair Simon stated that there was a clear direction for the commission and asked if there was any other business.

Other Business:

Judge Charles Sharp asked staff about the status of Justice Stephen McCullough's project. Ms. Trice replied that four members of the commission volunteered to be part of the work group and that the outstanding question was how large the work group should be, explaining that if there were four commission members, it would require a public meeting of the Code Commission. Chair Simon said he envisioned the work group as a subcommittee of the Code Commission and asked for opinions from the commission.

Judge Sharp suggested meeting as a smaller group to determine the scope of the work before deciding on meeting and member needs. Ms. Trice confirmed that would work. She noted that Justice McCullough had discussed first looking at plain language substitutes for terms and then looking at forms, while the commission suggested surveying the clerk's offices to determine which forms are most problematic. Judge Morrison suggested adding the circuit court clerk's office as a stakeholder.

Virginia Code Commission Meeting Minutes

August 18, 2026

Page 4 of 4

Chair Simon suggested he choose two commission members for an initial work group to develop a work plan. He also clarified that since the commission voted to survey the clerks first, they should stick to that plan.

Chair Simon then asked about scheduling the next meeting of the Code Commission. Ms. Trice suggested an October meeting based on other work group schedules. This would be the final commission meeting for 2026.

Public comment: Chair Simon asked if there were any members of the public who wished to offer comment. No one present at the meeting wished to comment, and no one commented virtually via the email address provided.

Adjourn: A motion was made for adjournment, seconded, and passed unanimously.

Chair Simon adjourned the meeting at 1:44 p.m.