



## **Bills Docket**

**Legislative Subcommittee Meeting**

**January 28, 2022**

**CONSENT****PRINCIPLES*****Inclusive City of Kindness***

**HB400** Real property; affordable housing.

**SUPPORT**

Primary Sponsor: [Delegate Rodney T. Willett \(D\)](#)

Summary: Assessment of real property; affordable housing. Includes the Rental Assistance Demonstration program in the list of federal laws whose restrictions shall be considered in determining the fair market value of real estate that is operated as affordable rental housing.

**SB648** Real property tax; exemption for the elderly and handicapped.

**SUPPORT**

Primary Sponsor: [Senator Jeremy S. McPike \(D\)](#)

Summary: Real property tax; exemption for the elderly and handicapped. Provides that any locality may by ordinance accept documentation establishing eligibility for the real property tax exemption for the elderly and handicapped on a rolling basis throughout the year. Current law states that localities shall accept such documentation after January 1 but before April 1 or a later date fixed by ordinance.

***Safe and Resilient City***

**HB483** Firearms; control by localities of possession or carrying.

**OPPOSE**

Primary Sponsor: [Delegate Nicholas J. Freitas \(R\)](#)

Summary: Control of firearms by localities. Removes the authority for a locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any building, or part thereof, owned or used by such locality for governmental purposes; (ii) any public park owned or operated by the locality; (iii) any recreation or community center facility; or (iv) any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit.

The bill provides that any firearm received by the locality pursuant to a buy-back program shall be offered for sale by public auction or sealed bids to a person licensed as a dealer. Current law provides that any such firearm shall be destroyed by the locality unless the person surrendering the firearm requests in writing that the firearm be offered for sale. The bill also limits the authority of localities and state governmental entities to bring lawsuits against certain firearms manufacturers and others.

***Well-Managed Government***

**HB274** Sales and transient occupancy taxes; broadens definition of accommodations intermediaries.

**SUPPORT**

Primary Sponsor: [Delegate Joseph P. McNamara \(R\)](#)

Summary: Sales and transient occupancy taxes; accommodations intermediaries. Broadens the definition of accommodations intermediary for purposes of collection of sales tax by accommodations intermediaries.

**SB472** Retail sales & use tax, additional local; use of revenues for construction or renovation of schools.

**SUPPORT**

Primary Sponsor: [Senator Jennifer L. McClellan \(D\)](#)

Summary: Additional local sales and use tax; use of revenues for construction or renovation of schools. Allows any county or city to levy a local general retail sales tax and a local use tax at a rate not to exceed one percent as determined by its governing body to provide revenues solely for capital projects for the construction or renovation of schools if such levy is approved in a voter referendum. Under current law, the power to levy such local sales and use taxes for the construction or renovation of schools is limited to the qualifying localities of Charlotte, Gloucester, Halifax, Henry, Mecklenburg, Northampton, Patrick, and Pittsylvania Counties and the City of Danville.

**HB648** Comprehensive plan; public hearing.

**OPPOSE**

Primary Sponsor: [Delegate Kaye Kory \(D\)](#)

Summary: Comprehensive plan; public hearing. Requires a local planning commission to hold a public hearing as part of the process for determining whether certain proposed features or facilities are substantially in accord with a locality's comprehensive plan. Existing law makes such hearings optional.

**HB907** Alarm systems; regulation, battery-charged fence security systems.

**WATCH**

Primary Sponsor: [Delegate Emily M. Brewer \(R\)](#)

Summary: Regulation of alarm systems; battery-charged fence security systems. Allows a locality to require those persons providing or operating a battery-charged fence security system, defined in the bill, to obtain an alarm company permit and the corresponding fee and to require certain other requirements as defined in the law. The bill provides that the locality can also require the installer of such security system to submit an affidavit disclosing information about the installation that includes an affirmation of compliance. The bill also provides that a locality can inspect such newly installed security system and issue a citation warning of noncompliance and can impose a penalty not exceeding \$500 if the noncompliance is not remedied within the time period specified by the locality.

**SB526** Alarm systems; regulation, battery-charged fence security systems.

**WATCH**

Primary Sponsor: [Senator L. Louise Lucas \(D\)](#)

Summary: Regulation of alarm systems; battery-charged fence security systems. Allows a locality to require those persons providing or operating a battery-charged fence security system, defined in the bill, to obtain an alarm company permit and the corresponding fee and to require certain other requirements as defined in the law. The bill provides that the locality can also require the installer of such security system to submit an affidavit disclosing information about the installation that includes an affirmation of compliance. The bill also provides that a locality can inspect such newly installed security system and issue a citation warning of noncompliance and can impose a penalty not exceeding \$500 if the noncompliance is not remedied within the time period specified by the locality.

**HB429** Virginia Public Procurement Act; architectural and professional engineering term contracting.

**SUPPORT**

Primary Sponsor: [Delegate David L. Bulova \(D\)](#)

Summary: Virginia Public Procurement Act; architectural and professional engineering term contracting; limitations. Provides that the sum of all projects performed in an architectural and professional engineering contract term shall not exceed \$10 million, and the fee for any single project shall not exceed \$2.5 million. The bill allows a contract for multiple architectural or professional engineering projects to be renewable for up to three additional terms at the option of the public body. Current law limits the sum of all projects performed in a one-year contract term to \$750,000, with up to four additional one-year terms at the option of the public body, and limits the fee for any single project to \$150,000, with specific exceptions to those limits, including a limit for total projects for rail projects of \$5 million and for highway projects, \$8 million. The bill also removes specific agency and locality exceptions to such current limits.

**HB1091** Virginia Public Procurement Act; project labor agreements.

**OPPOSE**

Primary Sponsor: [Delegate Tony O. Wilt \(R\)](#)

Summary: Virginia Public Procurement Act; project labor agreements. Requires every public body, prior to requiring bidders, offerors, contractors, subcontractors, or operators on public works contracts to enter into, become or remain signatories to, or adhere to project labor agreements, to make a written determination that requiring such bidders, offerors, contractors, subcontractors, or operators to enter into, become or remain signatories to, or adhere to such project labor agreements advances the public's interests based on objective criteria established by the public body by regulation or ordinance, such as cost, efficiency, quality, safety, timeliness, maintenance of a skilled labor force, labor stability, or advancing minority-owned and women-owned business participation in the project.

***Thriving Children and Youth***

**HB653** Foster care; DSS to establish and implement a collaborative local board placement program.

**WATCH**

Primary Sponsor: [Delegate William C. Wampler III \(R\)](#)

Summary: Foster care; local boards of social services; collaborative placement program. Directs the Department of Social Services to establish and implement a collaborative local board placement program to increase kinship placements and the number of locally approved foster homes. The bill provides that such program shall require local boards of social services (local boards) to enter into partnership agreements with other local boards to work collaboratively to (i) facilitate approval of kinship foster parents through engagement, assessment, and training; (ii) increase the capacity of local boards to recruit, train, and develop foster parents; and (iii) expand the pool of available foster homes within and across the localities of such local boards. The bill also requires local boards, when placing a child, to seek placement with a foster family within the locality of the local board or a nearby locality through the collaborative local board placement program.

### ***Safe Multimodal Transportation***

**SB247** Careless driving; vulnerable road users.

#### **SUPPORT**

Primary Sponsor: [Senator Scott A. Surovell \(D\)](#)

Summary: Careless driving; vulnerable road users. Provides that a person is guilty of a Class 1 misdemeanor if he operates a vehicle in a careless or distracted manner and causes the death or serious bodily injury of a vulnerable road user. Current law only imposes the penalty if such careless or distracted operation causes serious bodily injury to the vulnerable road user. The bill also allows a court to suspend the driver's license or restrict the driver's license of a person convicted of careless driving for up to six months of a person.

### ***Equal and Equitable City***

**HB1063** Public accommodations, employment, and housing; prohibited discrimination on the basis of religion.

#### **WATCH**

Primary Sponsor: [Delegate Irene Shin \(D\)](#)

Summary: Public accommodations, employment, and housing; prohibited discrimination on the basis of religion; includes outward religious expression. Clarifies that "religion" as it relates to freedom of expression includes any outward expression of religious faith in contexts where discrimination on the basis of religion is prohibited.

### ***Healthy Residents***

**HB1197** Secretariat agency responsibilities; Department of Juvenile Justice.

#### **SUPPORT**

Primary Sponsor: [Delegate Patrick A. Hope \(D\)](#)

Summary: Secretariat agency responsibilities; Department of Juvenile Justice. Directs the Office of the Secretary of Public Safety and Homeland Security and the Office of the Secretary of Health and Human Resources to convene a stakeholder work group to determine the feasibility and benefits of transferring responsibility for the Department of Juvenile Justice from the Secretary of Public Safety

and Homeland Security to the Secretary of Health and Human Resources. The bill requires the work group to submit its report containing the work group's finding by November 1, 2022, to the Chairmen of the House Committee for Courts of Justice, House Committee on Public Safety, Senate Committee on the Judiciary, and Senate Committee on Rehabilitation and Social Services.

***Strong Economy***

**HB445** Broadband service; new residential and commercial development.

**SUPPORT**

Primary Sponsor: [Delegate Kathleen Murphy \(D\)](#)

Summary: Broadband service; new residential and commercial development. Allows localities to require broadband service and associated infrastructure be installed for new residential and commercial development.

**SB446** Broadband service; new residential and commercial development.

**SUPPORT**

Primary Sponsor: [Senator Jennifer B. Boysko \(D\)](#)

Summary: Broadband service; new residential and commercial development. Allows localities to require broadband service and associated infrastructure be installed for new residential and commercial development.

## PRIORITIES

### *Investing in Infrastructure*

#### Protect Multimodal Transportation Funding to NVTA

**SB251** Northern Virginia Transportation Authority; funds for pedestrian and bicyclist projects.

**OPPOSE**

Primary Sponsor: [Senator Scott A. Surovell \(D\)](#)

Summary: Northern Virginia Transportation Authority; pedestrian and bicyclist projects. Requires the Northern Virginia Transportation Authority (NVTA) to dedicate certain funds to projects that improve pedestrian or bicyclist safety or infrastructure.

### *Local Authority and Funding*

#### Reinstate Local Authority to Regulate Vehicle Exhaust Noise

**HB367** Exhaust systems; excessive noise.

**SUPPORT**

Primary Sponsor: [Delegate Vivian E. Watts \(D\)](#)

Summary: Exhaust systems; excessive noise. Prohibits any individual from operating a motor vehicle with a gross weight of 10,000 pounds or less with an exhaust system that emits noise equivalent to noise in excess of 85 decibels measured from a distance of 50 feet. The bill also allows the governing body of any county, city, or town located within the Northern Virginia Planning District to provide by ordinance that no person shall operate any motor vehicle on a highway or on public or private property within 500 feet of any residential district unless such motor vehicle is equipped with an exhaust system of a type installed as standard equipment, or comparable to that designed for use on that particular vehicle or device as standard factory equipment, in good working order and in constant operation to prevent excessive noise. The bill also requires the Superintendent of State Police to promulgate regulations for the inspection of motor vehicles to ensure that no motor vehicle is equipped with a gutted muffler, muffler cutout, or straight exhaust or any mechanical or electronic device that creates or amplifies noise emitted by the motor vehicle that is louder than the noise emitted by such motor vehicle as originally manufactured.

**HB632** Exhaust systems; excessive noise.

**SUPPORT**

Primary Sponsor: [Delegate Betsy B. Carr \(D\)](#)

Summary: Exhaust systems; excessive noise. Prohibits any individual from operating a motor vehicle with a gross weight of 6,500 pounds or less with an exhaust system that emits noise in excess of 85 decibels. The bill also allows the governing body of any county, city, or town located within the Northern Virginia Planning District or Richmond Regional Planning District to provide by ordinance that no person shall operate any motor vehicle on a highway or on public or private property within 500 feet of any residential district unless such motor vehicle is equipped with an exhaust system of a

type installed as standard equipment, or comparable to that designed for use on that particular vehicle or device as standard factory equipment, in good working order and in constant operation to prevent excessive noise.

**[SB180](#)** Exhaust systems; excessive noise.

**SUPPORT**

Primary Sponsor: [Senator Richard L. Saslaw \(D\)](#)

Summary: Exhaust systems; excessive noise. Prohibits any individual from operating a motor vehicle with a gross weight of 6,500 pounds or less with an exhaust system that emits noise in excess of 85 decibels. The bill also allows the governing body of any county, city, or town located within the Northern Virginia Planning District to provide by ordinance that no person shall operate any motor vehicle on a highway or on public or private property within 500 feet of any residential district unless such motor vehicle is equipped with an exhaust system of a type installed as standard equipment, or comparable to that designed for use on that particular vehicle or device as standard factory equipment, in good working order and in constant operation to prevent excessive noise.

**Allow Local Authority to Regulate the use of Commercial Gas-Powered Leaf Blowers**

**[HB1337](#)** Gas-powered leaf blowers; local regulation, civil penalty.

**SUPPORT**

Primary Sponsor: [Delegate Kaye Kory \(D\)](#)

Summary: Local regulation of gas-powered leaf blowers; civil penalty. Provides that any locality may by ordinance regulate the use of gas-powered leaf blowers. Prior to enactment of such ordinance, a public hearing is required. The ordinance may include provisions for a civil penalty.

**Require a Survey Plat in Historical Districts for Homeowner**

**[SB286](#)** Historic districts; property survey.

**SUPPORT**

Primary Sponsor: [Senator Adam P. Ebbin \(D\)](#)

Summary: Historic districts; property survey. Requires that any locality that establishes a local historic district may require that a survey of property lines be completed prior to a land purchase within the historic district.

***Protecting Vulnerable Populations***

**Reallocation of TRIP Funding to Support Low and No-Fare Public Transit**

**[HB142](#)** Transit Ridership Incentive Program; amount of funds to be used to establish programs.

**SUPPORT**

Primary Sponsor: [Delegate Delores L. McQuinn \(D\)](#)

Summary: Transit Ridership Incentive Program. Changes from a maximum of 25 percent to a minimum of 25 percent the amount of Transit Ridership Incentive Program (TRIP) funds to be used to support the establishment of programs to reduce the impact of fares on low-income individuals. The



bill requires at least 25 percent of TRIP funds to be used to support regional transit initiatives and provides that the Commonwealth Transportation Board has the discretion to allocate the remaining funds available as authorized by law and based on the programs and initiatives submitted during the application process.

**SB342** Transit Ridership Incentive Program; use of funds for reduced-fare or zero-fare transit projects.

**SUPPORT**

Primary Sponsor: [Senator George L. Barker \(D\)](#)

Summary: Transit Ridership Incentive Program. Directs the Commonwealth Transportation Board to use at least 25 percent of the funds available for the Transit Ridership Incentive Program for grants to fund reduced-fare or zero-fare transit projects. Under current law, the amount that may be used for such programs is capped at 25 percent. The bill provides that funds awarded for reduced-fare or zero-fare transit projects shall not be included in the requirement that funds be awarded in accordance with a statewide equitable ratio.

**Continued and Increased Funding for the Virginia Sexual and Domestic Violence Prevention Fund**

**SB299** Virginia Sexual and Domestic Violence Victim Fund; purpose, fee apportionment.

**WATCH**

Primary Sponsor: [Senator R. Creigh Deeds \(D\)](#)

Summary: Virginia Sexual and Domestic Violence Victim Fund; purpose; fee apportionment. Provides that the Department of Criminal Justice Services shall adopt guidelines to make funds from the Virginia Sexual and Domestic Violence Victim Fund, which is used to support the prosecution of domestic violence cases and victim services, available to sexual assault service providers and hospitals for the purpose of funding the cost of salaries and equipment for sexual assault forensic examiners, sexual assault nurse examiners, and pediatric forensic nurses, with priority for funding such costs given to such forensic examiners, nurse examiners, and forensic nurses serving rural and underserved communities. The bill also increases the amount apportioned to the Fund from the fixed-fee assessments for misdemeanors and traffic infractions tried in district court.

***Enhancing Access, Equity, and Equality***

**Increase Opportunities for Electronic Participation of Public Meetings**

**SB214** Virginia Freedom of Information Act; meetings conducted through electronic meetings.

**SUPPORT**

Primary Sponsor: [Senator Jeremy S. McPike \(D\)](#)

Summary: Virginia Freedom of Information Act; meetings conducted through electronic meetings. Amends existing provisions concerning electronic meetings by keeping the provisions for electronic meetings held in response to declared states of emergency, repealing the provisions that are specific to regional and state public bodies, and allowing public bodies to conduct all-virtual public meetings where all of the members who participate do so remotely and that the public may access through

electronic communications means. Definitions, procedural requirements, and limitations for all-virtual public meetings are set forth in the bill, along with technical amendments.

## ***Energy Efficiency***

### Support for Increased Energy Efficiency in Existing Buildings

**SB452** Local governments; additional powers, energy efficiency of buildings.

#### **SUPPORT**

Primary Sponsor: [Senator Jennifer B. Boysko \(D\)](#)

Summary: Powers of local governments; additional powers; energy efficiency of buildings. Requires the Board of Housing and Community Development to adopt optional building energy efficiency standards and allows localities to adopt and enforce these standards.

The bill allows localities to require disclosure of energy use intensity (EUI) information to prospective buyers, lessees, and lenders at the point of sale, and to require an energy audit for the building prior to the completion of the sale if there is insufficient available data or upon request.

The bill allows localities to implement energy benchmarking, requiring utilities to collect and report energy use data for covered buildings to owners, and to require utilities to maintain 12 months of aggregated data for any building with an active utility account. The bill permits localities to create a scorecard program using Energy Star Portfolio Manager and require owners to disclose data to it, subject to program guidelines.

The bill allows localities to incentivize owners, operators, and agents of certain buildings to report EUI information and reduce EUI amounts. The bill allows localities to set EUI requirements for certain buildings and develop local incentive programs.

### Mitigate Impacts of Greenhouse Gas Emissions of the Transportation Sector

**SB488** Transit Transition Fund and Program; established, report.

#### **SUPPORT**

Primary Sponsor: [Senator Jennifer L. McClellan \(D\)](#)

Summary: Transit Transition Fund and Program; established. Establishes the Transit Transition Fund and Program, administered by the Department of Rail and Public Transportation, to provide grants to state, regional, and local public entities to support the transition of public transit fleets to zero-emission and low-emission fleets. The Director of the Department is directed by the bill to report annually to the Governor and the chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by November 1 of each year. The bill also directs 7.5 percent of the revenues collected from the tax on sports betting permittees to the Fund, reducing the share of the tax revenue allocated to the general fund.

**OTHER BILLS OF INTEREST*****Building Code***

**HB701** Uniform Statewide Building Code; local building codes and regulations, etc.

**WATCH**

Primary Sponsor: [Delegate Kaye Kory \(D\)](#)

Summary: Uniform Statewide Building Code; local building codes and regulations; energy efficiency and conservation standards. Provides that the Uniform Statewide Building Code (the Building Code) shall not supersede the building code provisions and regulations adopted by a locality that are related to energy efficiency and conservation if the standards outlined in such provisions and regulations are as or more stringent than those contained in the Building Code. The bill defines a standard to be as stringent as one contained in the Building Code if such standard would perform the same function as the standard contained in the Building Code without using more energy than would be used under the provisions of the Building Code.

**SB410** Uniform Statewide Building Code; lead-safe rental housing.

**WATCH**

Primary Sponsor: [Senator Joseph D. Morrissey \(D\)](#)

Summary: Uniform Statewide Building Code; lead-safe rental housing. Provides that the local governing body of a locality may adopt an ordinance that requires the inspection and certification of a residential rental dwelling unit built prior to 1986 for the purpose of ensuring the absence of lead hazards in such dwelling unit. The bill requires any such inspection and certification to be completed by a person licensed and qualified pursuant to appropriate state and federal laws and regulations and prohibits the rental of any residential dwelling unit that does not receive a satisfactory post-inspection certification based on certain factors outlined in the bill. Pursuant to the provisions of the bill, any locality that adopts an ordinance shall establish a fund to pay for the cost of remediation or require the landlord to pay for remedying the lead hazard. Finally, the bill allows a locality to waive inspection requirements for certain reasons and permits the local governing body of a locality to adopt additional lead-safe and lead-free inspection and certification requirements or higher standards for inspection and certification, if it so chooses.

***Child Welfare***

**SB307** Kinship foster care; notice and appeal.

**OPPOSE**

Primary Sponsor: [Senator T. Montgomery "Monty" Mason \(D\)](#)

Summary: Kinship foster care; notice and appeal. Requires local boards of social services (local boards), upon receiving a request from a child's relative to become a kinship foster parent, to provide the relative with an application to become a kinship foster parent within 15 days. The bill requires local boards, upon denying a relative's application to become a kinship foster parent, to provide to the

relative (i) a clear and specific explanation of the reasons for denial, (ii) a statement that such denial is appealable, and (iii) an explanation of the procedure for filing such appeal. The bill allows relatives to file an appeal regarding such decisions with the Commissioner of Social Services and requires the Board of Social Services to adopt certain regulations regarding the timeline of such appeals.

### ***Collective Bargaining***

**HB790** Collective bargaining; law enforcement, transparency and accountability.

#### **SUPPORT**

Primary Sponsor: [Delegate Dave A. LaRock \(R\)](#)

Summary: Collective bargaining; law enforcement; transparency and accountability. Prohibits a county, city, or town from entering into a collective bargaining contract with a labor union or other employee association representing law-enforcement officers or employees of a law-enforcement agency that (i) prevents the Attorney General from seeking equitable relief against a law-enforcement agency engaging in a pattern or practice of unconstitutional misconduct; (ii) includes any stipulation that delays officer interviews or interrogations after alleged wrongdoing for a set length of time; (iii) provides officers with access to evidence before interviews or interrogations about alleged wrongdoing; (iv) mandates the destruction or purging of disciplinary records from personnel files after a set length of time, or limits the consideration of disciplinary records in future employment actions; (v) prohibits the interrogation, investigation, or punishment of officers on the basis of alleged wrongdoing if a set length of time has elapsed since its alleged occurrence, or since the initiation of the investigation; (vi) prohibits supervisors from interrogating, investigating, or disciplining officers on the basis of anonymous civilian complaints; or (vii) requires arbitration of disputes related to disciplinary penalties or termination.

**HB336** Public employees; bargaining representative certification.

#### **OPPOSE**

Primary Sponsor: [Delegate Nicholas J. Freitas \(R\)](#)

Summary: Public employees; bargaining representative certification. Provides that, in a locality that has authorized collective bargaining by ordinance or resolution, a bargaining representative must be selected for each collective bargaining unit determined to be appropriate by the governing body of the locality. The bill provides that for a bargaining representative to be certified as an exclusive representative, at least 51 percent of the public employees in a collective bargaining unit must vote for certification of the bargaining representative through a secret ballot election conducted by the governing body of the locality. Preexisting bargaining representatives must also be certified by a vote of 51 percent of the affected collective bargaining unit.

**HB337** Public employees; compensation for union activities.

#### **OPPOSE**

Primary Sponsor: [Delegate Nicholas J. Freitas \(R\)](#)

Summary: Public employees; compensation for union activities. Prohibits any employer of public employees authorized to engage in collective bargaining from entering into a collective bargaining agreement to compensate any public employee or third party for an employee organization's or union's activities. Further, if a union's activities infringe on an employer's time and resources, the union must compensate the employer at a fair market value rate. The bill provides for enforcement by the Attorney General and creates a cause of action for public employees to remedy potential violations. The provisions of the bill preempt inconsistent local laws and regulations.

### ***Cyber Security***

**SB764** Public bodies; security of government databases and data communications.

#### **WATCH**

Primary Sponsor: [Senator George L. Barker \(D\)](#)

Summary: Public bodies; security of government databases and data communications. Requires every public body to report to the Chief Information Officer (CIO) all known incidents that threaten the security of the Commonwealth's data or communications or result in exposure of data protected by federal or state laws and all other incidents compromising the security of the public body's information technology systems with the potential to cause major disruption to normal activities of the public body or other public bodies. The bill requires such reports to be made to the CIO within 24 hours from when the incident was discovered.

### ***Electric Vehicles***

**HB450** Parking of vehicles; electric vehicle charging spots, civil penalties.

#### **SUPPORT**

Primary Sponsor: [Delegate Elizabeth B. Bennett-Parker \(D\)](#)

Summary: Parking of vehicles; electric vehicle charging spots; civil penalties. Prohibits a person from parking a vehicle not capable of receiving an electric charge in a space reserved for charging electric vehicles. A violation is subject to a civil penalty of not less than \$100 nor more than \$250, and the vehicle may be towed or impounded.

**SB278** Parking of vehicles; electric vehicle charging spots, signage for tow-away zone, civil penalties.

#### **SUPPORT**

Primary Sponsor: [Senator Adam P. Ebbin \(D\)](#)

Summary: Parking of vehicles; electric vehicle charging spots; civil penalties. Prohibits a person from parking a vehicle not capable of receiving an electric charge in a space reserved for charging electric vehicles. A violation is subject to a civil penalty of not less than \$100 nor more than \$250, and the vehicle may be towed or impounded.

### ***Energy***

**HB379** Energy benchmarking; access to data on energy usage in certain buildings, civil penalty.

#### **SUPPORT**

Primary Sponsor: [Delegate Richard C. "Rip" Sullivan, Jr. \(D\)](#)

Summary: Energy benchmarking; access to data on energy usage in certain buildings; civil penalty. Authorizes a locality to adopt an ordinance requiring utilities, upon request by the owner of a covered building, defined in the bill as any building with one or more utility accounts and a gross floor area of not less than 30,000 square feet, to provide the owner with aggregated measured energy usage data for multiple utility accounts of customers receiving service in the covered building. The bill makes such energy benchmarking mandatory for a covered building with three or more active utility accounts in which no single utility account amounts to at least 85 percent of the aggregated energy usage and optional for other covered buildings. The bill provides that the building owner shall only provide aggregated data received via the benchmarking tool subject to ENERGY STAR Portfolio Manager guidelines unless the Department of Energy gives other guidelines. Violators of the ordinance are subject to a civil penalty of not more than \$2,500 to be paid into the state treasury for the general fund. The bill requires the Department to develop uniform guidelines for energy benchmarking with input from stakeholders, with such guidelines finalized no later than December 1, 2022.

**SB160** Electric utilities; clarifies definition of energy efficiency programs.

**WATCH**

Primary Sponsor: [Senator Ghazala F. Hashmi \(D\)](#)

Summary: Electric utilities; energy efficiency programs; definition. Provides that energy efficiency programs may include electrification, including measures that electrify space heating, water heating, cooling, drying, cooking, industrial processes, and other building and industrial end uses that would otherwise be served by on-site combustion of fossil fuels provided that the electrification measures reduce total on-site energy consumption.

***Environment***

**HB568** Green banks; regional agreements.

**SUPPORT**

Primary Sponsor: [Delegate Kaye Kory \(D\)](#)

Summary: Green banks; regional agreements. Provides that any two or more localities may enter into agreements with one another for joint action to establish a green bank to promote investment in clean energy technologies and provide financing for clean energy technologies. The governing bodies of participating localities must each adopt an ordinance to approve such agreement before the agreement takes effect. The existing green bank enabling statute is silent on the issue of regional agreements.

**HB706** Trees; conservation and replacement during development process.

**WATCH**

Primary Sponsor: [Delegate Mark L. Keam \(D\)](#)

Summary: Trees during development process; conservation and replacement. Changes the time for minimum canopy coverage for all localities from 20 years to 10 years and removes special provisions that had allowed for 10 years for the City of Williamsburg and local ordinances adopted pursuant to §

15.2-961 prior to July 1, 1990. The bill provides an additional one-quarter times the canopy area credit for preservation of trees that are taller than 30 feet, thereby increasing the canopy area credit from one and one-quarter to one and one-half.

**HB1316** Trees; canopy credits, forest stands.

**WATCH**

Primary Sponsor: [Delegate Patrick A. Hope \(D\)](#)

Summary: Tree canopy credits; forest stands. Requires that localities that have adopted a tree canopy ordinance provide tree cover credit for high conservation value forest stands if a site developer provides a stand assessment before creating development plans. The bill also allows localities with such ordinances to provide additional credit if the pre-identified forest stands achieve environmental, ecological, and wildlife conservation objectives of the locality.

**SB537** Trees; replacement and conservation during development process, powers of local government.

**WATCH**

Primary Sponsor: [Senator David W. Marsden \(D\)](#)

Summary: Powers of local government; trees during development process; replacement and conservation. Expands to all localities provisions that currently only allow certain localities to adopt an ordinance providing for the planting and replacement of trees during the development process. The bill adds more flexibility for implementation and management of tree canopy banks, tree canopy credits, and tree canopy requirements. The bill changes and updates standards, reference documents, and published reference texts. The bill expands options for localities to disburse funds to charitable organizations. The bill adds percentage specifications for ordinances related to cemeteries. The bill removes the prohibition of invalidating local ordinances adopted before July 1, 1990, the allowance of 10-year minimum requirements for pre-1990 ordinances, and the inability to invalidate an ordinance adopted pursuant to the section relating to the replacement of trees during development process in certain localities. The bill provides guidelines for the Stakeholder Advisory Group, established by the bill to provide recommendations on the provisions of the bill, and its meetings; exemptions from the Administrative Process Act, section-specific definitions for public comment; and the Virginia Freedom of Information Act. The main provisions of the bill have a delayed enactment date of January 1, 2023; the remaining provisions are effective in due course.

**FOIA**

**HB444** Virginia Freedom of Information Act; meetings conducted through electronic meetings.

**SUPPORT**

Primary Sponsor: [Delegate Elizabeth B. Bennett-Parker \(D\)](#)

Summary: Virginia Freedom of Information Act; meetings conducted through electronic meetings. Amends existing provisions concerning electronic meetings by keeping the provisions for electronic meetings held in response to declared states of emergency, repealing the provisions that are specific

to regional and state public bodies, and allowing public bodies to conduct all-virtual public meetings where all of the members who participate do so remotely and that the public may access through electronic communications means. Definitions, procedural requirements, and limitations for all-virtual public meetings are set forth in the bill, along with technical amendments.

***Land Use***

**SB208** Civil actions; standing.

**OPPOSE**

Primary Sponsor: [Senator J. Chapman Petersen \(D\)](#)

Summary: Civil actions; standing. Provides that a person in a civil action shall be deemed to have standing if that person has a cognizable interest in the outcome of the matter, which may be represented by the ownership of an affected property interest or the suffering of an injury unique to that individual.

**SB501** Local land use approvals; extension of approvals to address the COVID-19 pandemic.

**OPPOSE**

Primary Sponsor: [Senator Lynwood W. Lewis, Jr. \(D\)](#)

Summary: Local land use approvals; extension of approvals to address the COVID-19 pandemic. Extends from July 1, 2022, to July 1, 2023, the sunset date for various local land use approvals that were valid and outstanding as of July 1, 2020. The bill also provides that its provisions shall not be construed to extend previous extensions related to the COVID-19 housing crisis.

**HB702** Virginia Residential Property Disclosure Act; required disclosures, maximum lot coverage.

**OPPOSE**

Primary Sponsor: [Delegate Mark L. Keam \(D\)](#)

Summary: Residential Property Disclosure Act; required disclosures; maximum lot coverage. Requires an owner of a single-family detached residential property to disclose in writing to any prospective purchaser or lessee of the property the existing lot coverage and the maximum lot coverage for the property as permitted by zoning ordinance in the locality in which the property is located.

***Landlord/Tenant***

**HB840** Virginia Residential Landlord and Tenant Act; retaliatory conduct, rebuttable presumption.

**SUPPORT**

Primary Sponsor: [Delegate Alfonso H. Lopez \(D\)](#)

Summary: Virginia Residential Landlord and Tenant Act; retaliatory conduct; rebuttable presumption. Establishes a rebuttable presumption of retaliatory conduct pursuant to the provisions of the Virginia Residential Landlord and Tenant Act if a landlord increases rent beyond that which is charged for similar market rentals, decreases services, brings or threatens to bring an action for possession, or terminates the rental agreement within six months of having knowledge of certain actions made by a tenant.



**HB868** Virginia Residential Landlord and Tenant Act; terms and conditions of rental agreement.

**SUPPORT**

Primary Sponsor: [Delegate Alfonso H. Lopez \(D\)](#)

Summary: Virginia Residential Landlord and Tenant Act; terms and conditions of rental agreement; warranty of habitability. Prohibits a landlord from waiving, either orally or in writing, his duty to maintain a fit premises, and requires a landlord to include in every rental agreement the terms and conditions governing such duty.

**HB893** Virginia Residential Landlord and Tenant Act; terms and conditions of rental agreement.

**SUPPORT**

Primary Sponsor: [Delegate Michelle E. Maldonado \(D\)](#)

Summary: Virginia Residential Landlord and Tenant Act; terms and conditions of rental agreement; automatic renewal; notice of rent increase. Requires a landlord that owns more than four rental dwelling units to, in the case of any rental agreement that provides for automatic renewal of such agreement, provide separate written notice to the tenant notifying the tenant of any increase in rent. The bill provides that such notice shall be provided to the tenant no less than 30 days before the automatic renewal takes effect.

**HB160** Virginia Residential Landlord and Tenant Act; landlord obligations, tenant safety.

**WATCH**

Primary Sponsor: [Delegate Candi Mundon King \(D\)](#)

Summary: Virginia Residential Landlord and Tenant Act; landlord obligations; tenant safety. Requires a landlord who owns more than four rental dwelling units, or more than a 10 percent interest in more than four rental dwelling units, to require all employees and applicants for employment to submit to fingerprinting and provide personal descriptive information to be forwarded along with the employee's or applicant's fingerprints through the Central Criminal Records Exchange and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such employee or applicant. The bill allows a landlord to disqualify from employment any person who has been convicted of or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a violent crime committed in any jurisdiction. The bill also provides that a landlord must (i) establish written policies and procedure for the storage and management of, access to, and return of all keys for each rental dwelling unit; (ii) regulate the secure storage of and access to unissued keys; and (iii) maintain a written log for the issuance and return of all keys. Finally, pursuant to the bill, all relevant landlords must submit certain information on a quarterly basis to the Department of Housing and Community Development to prove compliance with the provisions outlined in the bill.

**HB298** Land bank ordinances; disposition.**SUPPORT**Primary Sponsor: [Delegate Sam Rasoul \(D\)](#)

Summary: Delinquent tax lands; disposition. Authorizes localities to have a special commissioner appointed to, in lieu of a sale at public auction, convey certain real estate having delinquent taxes or liens to a land bank entity or nonprofit designated to carry out the functions of a land bank entity. Currently, such real estate may only be conveyed to the locality itself. The bill also allows real estate that contains a derelict building and has delinquent taxes and liens exceeding 10 percent of its value to be conveyed via special commissioner in lieu of a sale at public auction.

**HB616** Zoning appeals, board of; funding.**OPPOSE**Primary Sponsor: [Delegate Danica A. Roem \(D\)](#)

Summary: Board of zoning appeals; funding. Requires a local governing body to appropriate such funds as necessary so that its board of zoning appeals (BZA) may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Existing law allows such BZA expenditures "within the limits of funds appropriated by the governing body."

**HB1088** Planning; subdivision of land and zoning.**OPPOSE**Primary Sponsor: [Delegate James A. "Jay" Leftwich \(R\)](#)

Summary: Planning; subdivision of land and zoning. Changes the definition of "subdivision" to provide that it does not preclude valid and enforceable boundary line agreements between owners of adjacent parcels and that divisions of land subject to a partition suit by virtue of order or decree by a court of competent jurisdiction shall take precedence over certain development and zoning requirements. The bill requires a subdivision ordinance to allow a locality to make agricultural subdivisions within an agricultural zoning district.

**HB1210** Historic preservation; filing of a historic designation application.**OPPOSE**Primary Sponsor: [Delegate Patrick A. Hope \(D\)](#)

Summary: Historic preservation. Provides that the filing of a historic designation application shall stay a locality from issuing any permit to raze or demolish a proposed historic landmark, building, or structure until 30 days after the rendering of the final decision of the governing body of the locality. The bill also specifies that the affected property owner, the applicant, or any resident of the locality who provided public input on the locality's historic district plan may appeal to the circuit court for review of any final decision of the governing body pursuant to such application.

**SB255** Zoning; wireless communications infrastructure, application process.**OPPOSE**Primary Sponsor: [Senator John J. Bell \(D\)](#)

Summary: Zoning; wireless communications infrastructure; application process. Provides that in its consideration of certain communications infrastructure applications, a locality shall not disapprove an application if (i) the proposed new structure provides additional wireless coverage or capacity for first responders or (ii) the proposed tower is not within a four-mile radius of an existing tower that is part of the applicant's network. Additional changes in the bill provide that a locality shall not be prohibited from disapproving certain applications for any zoning approval required for non-administrative review-eligible projects on the basis of the fact that the proposed height of any wireless support structure, wireless facility, or wireless support structure with attached wireless facilities exceeds 200 feet above ground level. Current law sets the limit at 50 feet above ground level.

**Taxes****HB1155** Sales and use tax; media-related exemptions.**WATCH**Primary Sponsor: [Delegate Kathy J. Byron \(R\)](#)

Summary: Sales and use tax; media-related exemptions. Makes changes to the sales and use tax exemption for amplification, transmission, and distribution equipment used to provide Internet services. Under the bill, the exemption would apply to network equipment used to provide Internet service, regardless of whether the provider of such service is also a telephone common carrier or whether such network is also used to provide services other than Internet services.

**HB1190** Motor vehicle sales and use tax; definition of sale price.**OPPOSE**Primary Sponsor: [Delegate Daniel W. Marshall, III \(R\)](#)

Summary: Motor vehicle sales and use tax; definition of sale price. Excludes from the sale price for determining motor vehicle sales and use tax the amount of any credit given by the seller for any motor vehicle taken as a trade-in.

**SB502** Solar photovoltaic projects; local taxation for projects less than five megawatts.**WATCH**Primary Sponsor: [Senator Lynwood W. Lewis, Jr. \(D\)](#)

Summary: Local taxation for solar photovoltaic projects less than five megawatts. Provides that generating equipment of solar photovoltaic projects less than five megawatts shall be taxable by a locality, at a rate determined by such locality, but shall not exceed the real estate rate applicable in that locality, and that the exemption shall be as follows: 80 percent of the assessed value in the first five years in service after commencement of commercial operation, 70 percent of the assessed value in the second five years in service, and 60 percent of the assessed value for all remaining years in service. The bill also provides that (i) solar photovoltaic projects less than five megawatts shall not be exempt from the assessment of a revenue share by ordinance of that locality and (ii) nothing in the bill

shall be construed to authorize local taxation of generating or storage equipment of solar photovoltaic projects that serve the electricity needs of that property upon which such solar facilities are located.

**Utilities**

**SB500** Investor-owned water and water and sewer utilities; ratemaking proceedings.

**OPPOSE**

Primary Sponsor: [Senator Lynwood W. Lewis, Jr. \(D\)](#)

Summary: Investor-owned water and water and sewer utilities; ratemaking proceedings. Requires the State Corporation Commission, in any ratemaking proceeding for an investor-owned utility authorized to furnish water or water and sewer service initiated after January 1, 2022, to evaluate such utility on a stand-alone basis and, for purposes of establishing any revenue requirement and rates, utilize such utility's actual end-of-test period capital structure and cost of capital without regard to the cost of capital, capital structure, or investments of any other entities with which such utility may be affiliated. The bill requires the Commission, in all proceedings initiated after January 1, 2022, in which the Commission reviews the rates and associated earnings of an investor-owned utility authorized to furnish water or water and sewer service, to conduct such review utilizing the same cost of capital and capital structure adopted in the utility's most recent rate case in which such rates were set, without regard to any later changes in the cost of capital or capital structure.

**END OF CONSENT**

## **Bills for Discussion**

**HB1308** Sales and use tax; entitlement to revenues from tourism projects.

**WATCH**

Primary Sponsor: [Delegate Hyland F. "Buddy" Fowler, Jr. \(R\)](#)

Summary: Sales and use tax; entitlement to revenues from tourism projects. Entitles a major tourism project, defined in the bill, to the revenues generated by a two percent state sales and use tax on transactions taking place on its premises, to be used for debt service on gap financing for the project. As defined in the bill, gap financing includes a developer's primary debt financing, as well as any refinancing thereof, if the entitlements to tax revenues are pledged as collateral for such primary debt financing. The bill provides that to qualify for the revenues, the project must meet a deficiency identified in a local tourism plan approved by the Virginia Tourism Authority, and the private developer and the locality in which the project is located must each contribute funds equal to the two percent sales and use tax contribution, which are also to be used for the gap financing payment. Current law allows certain tourism projects to qualify for revenues generated by a one percent state sales and use tax or a 1.5 percent state sales and use tax. The bill provides that a major tourism project is eligible for the increased revenues if it involves a new private capital investment of at least \$500 million; will result in the creation of at least 500 net new jobs; and supports increased hotel occupancy, an increase in out-of-state visitors, and other factors of significant fiscal and economic impact. The bill contains technical amendments.

**HB1343** Taxation; numerous changes to the Commonwealth's tax structure.

**WATCH**

Primary Sponsor: [Delegate Vivian E. Watts \(D\)](#)

Summary: Taxation in the Commonwealth. Makes numerous changes to the Commonwealth's tax structure. The bill provides that the standard deduction for individual income taxes shall be set permanently at \$4,500 for individuals and \$9,000 for married persons. Under current law, the standard deduction is scheduled to revert to \$3,000 and \$6,000, respectively, beginning with taxable year 2026. Beginning with taxable year 2022, individual income tax brackets, the filing threshold, the amount of the standard deduction, and the amount of personal exemptions shall be adjusted on an annual basis in accordance with the yearly change in the Chained Consumer Price Index for All Urban Consumers (C-CPI-U).

The bill imposes the retail sales and use tax on digital personal property, defined in the bill as a digital product delivered electronically that the purchaser owns or has the ability to continually access without having to pay an additional subscription or usage fee to the seller after paying the initial purchase price.

The bill also applies the retail sales and use tax to the following services: admissions; charges for recreation, fitness, or sports facilities; nonmedical personal services or counseling; dry cleaning and

laundry services; companion animal care; residential home repair or maintenance, landscaping, or cleaning services when paid for directly by a resident or homeowner; vehicle and engine repair; repairs or alterations to tangible personal property; storage of tangible personal property; delivery or shipping services; travel, event, and aesthetic planning services; and communications services that are not subject to the communications sales and use tax and are not digital personal property. Certain exemptions are provided to the sales and use tax on services, including health care services that must be performed by a person licensed or certified by the Department of Health Professions, veterinary services, professional services, Internet access services, and services provided by a person who does not receive more than \$2,500 per year in gross receipts for performance of such services. The bill exempts services purchased by a nonprofit organization and services purchased by a homeowners' association or by a landlord for the benefit of his tenant. The bill also repeals the service exemptions currently provided for the sale of custom programs and modification of prewritten programs.

The bill imposes the communications sales and use tax on prepaid calling services and on digital subscription services, defined in the bill as services for which the user pays in order to access and use software, reading materials, or other digital data or applications for a defined period of time, which products the user does not own or have permanent access to outside of such period of time. The bill provides that a portion of the income tax credit for low-income taxpayers who are residents of the Commonwealth shall be refundable. Under current law, eligible taxpayers may claim either (i) a nonrefundable income tax credit equal to \$300 for each individual, his spouse, and any dependents or (ii) an income tax credit equal to 20 percent of the federal earned income tax credit. For taxpayers claiming the credit referenced in clause (ii), 50 percent of the value of the credit would be refundable in taxable year 2021, and the refundable portion would increase by five percent each year, becoming fully refundable starting in taxable year 2031. Nonresident taxpayers and resident taxpayers claiming the credit referenced in clause (i) shall not be eligible for a refundable credit.

The bill also exempts food purchased for human consumption and essential personal hygiene products (the grocery tax) from all state and regional sales taxes and that, beginning July 1, 2022, food purchased for human consumption and essential personal hygiene products are also exempt from the local sales tax, and the grocery tax is eliminated.

### **SB220** State of good repair funds; bridges eligible for funding.

#### **WATCH**

Primary Sponsor: [Senator Jeremy S. McPike \(D\)](#)

Summary: State of good repair funds. Makes bridges with a general condition rating of no greater than five eligible for state of good repair funding. Under current law, structurally deficient bridges and highways with deficient pavement conditions are eligible for state of good repair funds. The bill eliminates the minimum and maximum percentage of the state of good repair funds that each construction district can receive.

## Commission on Local Government Request for Local Fiscal Analysis

1. **HB1017** Overtime; definition, compensable hours worked, compensatory time.  
No impact
2. **HB1200** Landfill siting; proximity to private wells.  
No impact
3. **SB282** Public defender; supplementing compensation.