

City of Richmond Legislative Proposals
for the
Virginia General Assembly 2021 Regular Session
Legislative Update – 2/1/2021, Organizational Development Meeting

Requests for Legislation

HOUSING

Blighted/Derelict Property Taxation – The City requests authorization to adjust the qualifying criteria that authorizes a locality to tax blighted properties and derelict structures differently by classifying them as a separate class of property for local real property taxation. As currently structured, the criteria for qualification in the statute only includes Petersburg and Emporia. We are asking that the criteria be adjusted to capture the City of Richmond.

- **Delegate Betsy Carr – HB 1969. On House floor for final passage Monday 2/1/21 afternoon.**

Other Blight/Land Bank Legislation of Note:

- **HB 2052 (Samirah) – Land banks; right of first refusal for tax delinquent parcels (Passed by for the day, may be brought back up before 2/4/21)**
- **SB 1285 (Locke) – Vacant buildings; registration (Passed Senate 1/21/21)**

TRANSPORTATION/MOBILITY/VISION ZERO

Use of Radar Enabled Cameras – The City request that the authority to use radar-enabled speeding and red-light cameras be expanded to include business and residential districts. Legislation was enacted in the 2020 General Assembly session permitting their use in posted school crossing zones and work zones.

- **We were unable to find a patron for this legislation this year**

Bicycle Traffic Requirements –The City requests that cities and towns be authorized to permit bicyclists to treat a stop sign as a yield sign and a red-light traffic signal as a stop sign on highways maintained by the locality.

- **SB 1263 (Morrissey) – Bicycles; permits operators to treat a stop sign as a yield sign in certain situations. (Defeated in Senate (16-Y 22-N) on 1/27/21.)**
- **HB 2262 (Hurst) – Bicycles; permits operators to treat a stop sign as a yield sign in certain situations. (Passed House Transportation Committee 16Y 5-N)**

Policy Statements

EDUCATION

Public Education Funding - Significant progress was made in public education funding during the 2020 Regular Session. However, much of that progress has subsequently been deferred due to the economic impact of the COVID-19 pandemic. The City believes the 2021 General Assembly session should focus on restoring the deferred funding for public education, including increasing the At-Risk Add-On, while continuing to mitigate the ongoing impact of COVID-19. The City fully supports the RPS 2021 State Legislative Priorities for funding as adopted by the Richmond School Board.

- **SJR 294 (Lewis)** – Joint Legislative Audit and Review Commission to study the true cost of education and how best to fund K-12 education in the future. (After failing to advance in committee for many years, this study resolution has passed the Senate and is headed to the House Rules Committee.)
- **SB 1257 (McClellan)/HB 1929 (Aird)** – School Equity and Staffing Act aka Equity Fund. Sen. McClellan’s bill is in the Senate Finance Committee / Delegate Aird’s bill is in House Appropriations. (\$504 million). Budget amendments to support consolidating the At-Risk Add-On Fund and the Prevention, Intervention and Remediation funds into a single expanded At-Risk Add-On fund called the Equity Fund.
- Senator Hashmi and Delegate Bourne Budget Amendment to increase the maximum range of the At Risk Add On from 26.0 percent to 26.5 percent.
- Senator McClellan/Delegate Aird Budget Amendments - Remove the Cap the 2009 General Assembly placed on school support staff (\$428 million)
- Senator Hashmi/Delegate Carr Budget Amendments - Implement Proficiency Based English Language Teacher ratios
- Teacher Pay to National Average (Delegate Mugler) Budget Amendment; 2% Teacher Raise for 2021 (Delegate Ayala) Budget Amendment

Broadband - Broadband coverage and affordability is a pervasive issue that has far-reaching implications for K-12 education and lifelong learning. The City urges and supports a concentrated governmental effort to ensure broadband coverage is both available and affordable to those that are most in need.

- **SB 1462 (Mason) Virginia Digital Equity Pilot Program and Fund.** Directing the Virginia Department of Social Services to establish a pilot program to provide a fixed reimbursement for the costs of broadband services to households currently participating in the Supplemental Nutrition Assistance Program. The bill has an expiration date of July 1, 2024. **(In Senate Committee 1/29/21)**
- SB 1225 (Boysko) - Authorizes school boards to appropriate funds for the purposes of promoting, facilitating, and encouraging the expansion and operation of broadband services for educational purposes. The bill authorizes school boards to partner with private broadband service providers to promote, implement, and subsidize broadband for educational purposes to the households of students who would qualify for (i) a child nutrition program or (ii) any other program recognized or adopted by the local school board as a measuring standard to identify at-risk students. **(Passed Senate Committee)**

HOUSING (AFFORDABILITY, EVICTION, GENTRIFICATION AND BLIGHT)

Affordability and Gentrification - The City requests and supports General Assembly actions to provide local governments with all possible tools to deal with the impacts of a market that, on the one hand, is vibrant, and on the other is driving home prices upward to the point of being unaffordable for a vast majority of residents. The City needs to increase the supply of affordable housing. The Commonwealth can encourage this by providing local governments additional sources for financing and encouraging all possible resources to leverage federal dollars to the benefit of affordable workforce and senior housing. Any and all tools to encourage private developers and non-profits to develop, construct and/or rehabilitate housing that is affordable should be incentivized by the state. This includes specific support for:

- Enactment of a state tax credit program that works in tandem with the federal Low Income Tax Credit (LITC) program and is specifically for affordable housing.
 - **HB 2050 (Del. Bourne) Virginia housing opportunity; tax credit established starting in taxable year 2021. (House: Subcommittee recommends laying on the table (7-Y 1-N))**

- SB 1197 (Sen. Locke) Virginia housing opportunity tax credit. **(In Committee)**
- Authority to establish a local Homestead Property Tax Exemption program/ordinance that would allow a lump sum deduction from the assessed value of a residential single-family home based on a fixed deduction amount that is set by the local governing body on an annual basis.

Housing Trust Fund - The City supports the restoration of funding and increased funding for the Virginia Housing Trust Fund that was deferred due to the economic impact of the COVID–19 pandemic. The City also supports changes that would provide greater flexibility in using a portion of the Fund to match local housing trust funds to support innovative housing projects and low-and moderate-income housing projects that are located in areas experiencing extreme shortages of such housing.

- [The Governor’s Introduced Budget proposed an increase of \\$40.7 million to the Virginia Housing Trust Fund](#)
- [Budget Amendment to increase it by \\$24.3 million more \(Delegate Lopez\)](#)
- [HB 2046 \(Bourne\) – Virginia Fair Housing Law; unlawful discriminatory housing practices.](#)

Transformation of Public Housing – The City is supportive of and encourages all possible sources of funding from the state and federal government for the transformation of public housing by providing financial assistance and tools for public housing redevelopment and infrastructure improvements.

- [Del Delores McQuinn - Budget Amendment to Increase the Virginia Brownfields Fund by \\$500,000 in FY21 and \\$3.5 million in FY22 and to include language to increase the amount of money for assessment and remediation work in the name of environmental justice, for housing on or adjacent to landfills](#)

Evictions - As the COVID-19 pandemic has laid bare an already exacerbated eviction problem in the Commonwealth, especially in the City of Richmond, further work needs to be done to create a healthier balance between those seeking to obtain or maintain adequate housing and those with housing to offer. The City of Richmond City Council is supportive of the following items:

- Prohibiting evictions for lease violations based on a local nuisance ordinance;
 - Requiring a provision in leases for early lease termination for medical reasons for senior or disabled tenants;
 - Lowering the statutory maximum amount a landlord may require as a security deposit in a lease from two months to the equivalent of one month’s rent;
 - Requiring eviction records be sealed within a specified amount of time and automatically expunged where cases are dismissed or decided in favor of the tenant;
 - Requiring that tenants facing eviction for reasons other than nonpayment of rent be entitled to legal counsel;
 - Allowing localities to enact an ordinance(s) requiring all residential rental property owners register each unit owned and require contact information for the owner or an individual designated by the owner, as well as an ordinance that would allow localities to recoup the costs of maintaining the registry from registrants.
- [HB 2249 McQuinn - Virginia Residential Landlord and Tenant Act; landlord charges for security deposits, insurance premiums for damage insurance, and insurance premiums for renter’s insurance; filing of information regarding resident agent appointed by nonresident property owner.](#) Prohibits a landlord from requiring a tenant to pay a security deposit, insurance premiums for damage insurance, and insurance premiums for renter's insurance prior to the commencement of the tenancy that exceed the amount of

two months' periodic rent. The bill permits a landlord, however, to add a monthly amount as additional rent to recover additional costs of such damage insurance or renter's insurance premiums. The bill also removes provisions allowing a landlord to permit a tenant to provide damage insurance coverage in lieu of the payment of a security deposit. Finally, the bill requires nonresident property owners to file the name and office address of the agent appointed by such nonresident property owner in the office of the clerk of the State Corporation Commission. Under current law, such information must be filed in the office of the clerk of the court in which deeds are recorded in the county or city in which the property lies. **(Passed Committee w/ a substitute. On House floor 1/29/21).**

- **HB 2165 (Hope) – Tax delinquent property; sale of land for delinquent taxes.** The Governor's Commission to Examine Racial Inequities asked for this bill to create more opportunities for land to remain in the families that are most vulnerable to intergenerational wealth loss. **(The bill passed a subcommittee 10-0.)**

SOCIAL/HUMAN SERVICES

Wrap Around Child Care– The City supports efforts to provide seamless, affordable access to quality wraparound early childhood services for at-risk families – including home visiting, subsidized childcare, and preschool through increased funding and improved state and local service delivery systems.

- **HB 2206 (Filler-Corn) – Creates the COVID-19 Child Care Assistance Program** to give financial assistance for childcare to families in need during CV-19 public health emergency and a process for applicants to apply online to participate in the program. **(Passed committee with a substitute on 1/28/21 – headed to House floor.)**

Mental Health – The City supports additional funding in FY 2022-2023 for Mental Health and Substance Abuse Services to include: community based, recovery-focused mental health, substance abuse and emergency/crisis stabilization services; drug treatment facilities for individuals that have addiction problems but who are currently housed in jails or prisons; and mental health training, communication training for prison and jail staff.

- **SB 1273 (Deeds) – Creation of the Behavioral Health Commission. (In Senate Rules Committee)**
- **HB 2236 (Bell, Rob) – Behavioral health docket/local pretrial services. (Reported from House Courts Committee with a substitute)**

Virginia Grocery Investment Fund - Food Deserts– The City supports “full” funding of \$5 million for the Virginia Grocery Investment Fund to include financial and technical support for businesses to expand and ensure greater access to healthy food for residents of the Commonwealth. In the 2020 session, \$3.5 million was requested and half was received.

- **Delegate McQuinn's budget amendment would provide an increase in FY21 for the Virginia Food Access Investment Program from \$1.25 million to \$6.0 million.**
- **HB 2065 (McQuinn) – Produce RX Program,** Directs the Department of Social Services to establish a Produce Rx Program as a three-year pilot program to incentivize consumption of qualifying fruits and vegetables by eligible individuals for whom increased consumption of fruits and vegetables is recommended by a qualified care provider, as such terms are defined in the bill, and to report to the Governor and the General Assembly by December 1 of each year on the operation of the Program. **(In the Appropriations Committee).**

TAXATION

Cannabis and Cannabinoid Tax– The City supports authorizing localities to implement a point-of-sale tax on cannabis and cannabinoid products packaged and sold as a nutritional supplement. The point of sales tax rate should not exceed any existing sales tax rate imposed on tobacco products by the locality.

Games of Skill Machines - Should the General Assembly continue to allow the operation of games of skill machines beyond June 30, 2021, the City requests that the state increase the revenues from games of skill machines to all qualifying localities with a score of 100 or higher on the fiscal stress index, as published by the Virginia Department of Housing and Community Development (DHCD).

- **HB 1880 (Krizek) – Illegal gambling/skill games, temporary exemption for truck stops and alcoholic beverage control retail licensees.** The bill delays by one additional year, from July 1, 2021 to July 1, 2022, the prohibition on the play or offering for play of skill games that was instituted in the 2020 General Assembly Session. It also decreases to 90% the total number of machines that a distributor may provide for play to truck stops and ABC licensees, relative to the number of machines they reported on July 1, 2020 to the ABC. The bill prohibits distributors offering new skill games for play. Requires distributor pay a monthly tax of \$1200 for each skill game provided for play during the previous month. Of that amount, 33% will be returned to the host local government **Del. Krizek’s bill is in the House General Laws Committee**
- **SB 1465 (Reeves) / HB 2168 (Scott, Don) – Illegal Gambling; skill games, enforcement by localities and Attorney General, civil penalty.** Provides that anyone who conducts, finances, manages, supervises, directs or owns a gambling device that is located in an unregulated location is subject to a civil penalty of \$25,000. Gives the Commonwealth Attorney or any attorney for any locality to cause an action in equity in the name of the Commonwealth or the locality to enjoin the operation of a gambling device in violation of this section and may request attachment against all such devices and any moneys with such devices. Any civil penalties to go the Literary Fund for the state and into the general fund of the locality. **(Sen. Reeves bill is in the Judiciary Committee; Del. Scott’s bill is in House Courts subcommittee)**

TRANSPORTATION

Street Maintenance Funding and Formula – The City supports increased funding for the State’s urban street maintenance program. Further, the City supports changes in the statutory provisions for the urban street maintenance funding formula by employing a state-of-the-art asset management approach that uses life cycle costs, pavement and bridge conditions, and recognizes on-street parking lanes and turning lanes, to allocate maintenance funding to cities and towns.

Lowering the Threshold for Reckless Driving in 25 mph Zones – The City supports legislation that would lower the charge for reckless driving in 25 mph zones to 10 mph over the speed limit rather than the current 20 mph over the speed limit.

- **HB 1903 (Del. Betsy Carr) – Local government authority, reduction of speed limits.** Authorizes local governing bodies to reduce the speed limit to less than 25 mph, but not less than 15 mph, in a business district or residential district. **(Passed House 1/19/21).**

ENVIRONMENTAL

Combined Sewer Overflow – The 2020 General Assembly passed a “Title 1” bill that requires the Richmond CSO to submit to DEQ, by July 1, 2021, an interim plan detailing all actions they can initiate by July 1, 2022, to address the requirements of any consent special order issued by the State Water Control Board (the Board) regarding the CSO system; and, by July 1, 2024, a final plan detailing all actions they will take to satisfy such requirements. The bill also requires that Richmond CSO initiate and complete activities pursuant to both plans in specific timeframes. It also requires that CSO provide detailed progress reports to DEQ annually, including the funding history of the CSO system and future funding needs, along with funding requests. DEQ is to transmit such information, along with appropriate supplementary information, to the Chairmen of the Senate Committee on Finance and Appropriations, the Senate Committee on Agriculture, Conservation and Natural Resources, the House Committee on Appropriations, and the House Committee on Agriculture, Chesapeake and Natural Resources; the Virginia delegation to the Chesapeake Bay Commission; the Secretary of Natural Resources; and the Governor by January 1 of each year. The Governor is to take into account these reports during the preparation of the biennial budget bill and any subsequent amendments. The General Assembly may take such reports into account in enacting the general appropriation act and may evaluate and modify project deadlines on a biennial basis beginning in 2022. The bill also provides that the Board may consider granting a requested extension of planned deadlines if the General Assembly has not provided such extension, and if the owner or operator has exhausted all reasonable options and failed to secure funding to meet project deadlines. **The City of Richmond DPU will comply with all requested data points and urges the General Assembly to follow through with funding to complete the projects.**

Stormwater Local Assistance Funding - The City supports increased state funding for stormwater infrastructure improvements. More funding from the state is needed to help Richmond maintain its existing current infrastructure and build new infrastructure. The Stormwater Local Assistance Fund (SLAF) should receive more funding beyond \$50 million and cost matching between the state and localities should be reexamined as this model is not equitable for smaller, independent cities with lower tax bases.

- [Senator Emmett Hanger / Delegate David Bulova - Budget amendment requesting \\$51 million in additional tax-supported bonds for stormwater upgrades to fully fund the need id'd in DEQs 2020 Needs Assessment to meet Virginia's Chesapeake Bay Phase III Watershed Implementation Plan.](#)
- [Del. Charniele Herring – Budget amendment on SLAF Scoring Criteria – Budget amendment that directs the Department of Environmental Quality to evaluate the criteria used to assess Stormwater Local Assistance Fund project proposals to include projects that address local stormwater resiliency and capacity needs.](#)

Green Building Codes – The City supports authorizing local governments to adopt building code amendments applicable to new construction or renovations of existing buildings which increase energy conservation, water conservation, or environmental protections.

- [HB 2227 \(Kory\) – Uniform Statewide Building Code; amendments, energy efficiency and conservation.](#) Would require the Board of Housing and Community Development to adopt amendments to the Uniform Statewide Building Code within one year of publication of a new version of the International Code Council's International Energy Conservation Code (IECC) to address changes related to energy efficiency and conservation. The original bill required the Board to adopt Building Code standards that are at least as stringent as those contained in the new version of the IECC. **(The bill was amended in subcommittee to a Title 1 bill that rewords it to say that the Board of Housing and Community Development shall consider adopting**

amendments to the building code And shall consider adopting standards that are at least as stringent as those in the new version of the IECC. The bill passed the subcommittee 5-3.)

- See also **HB 1919** below.

Participation in Federal Pace Program - The City supports enabling legislation that would allow the Commonwealth to participate in the Residential - Property Assessed Clean Energy program (PACE program). Residential PACE is a federal Department of Energy program that allows homeowners to finance energy efficiency, renewable energy and other eligible improvements on their homes using private sources of capital. PACE programs are typically enabled through state legislation and authorized at the local government level. Municipalities may directly administer residential PACE programs, or through public-private partnerships with one or more PACE providers.

- **HB 1859 (Guy) – Clean energy and other programs; local financing when owner costs are incurred.** This is a Northam Administration bill and a revision to the C-PACE program that makes certain that an approved project must have been approved by the local government. Matches commercial properties undertaking clean energy projects with private investors. Allows projects that have been undertaken in the previous two years to be rolled into the program if the locality so desires. This bill excludes residential dwelling units (fewer than 5 units). The bills patron said that at some point she hopes that the program will be opened up to residential eligibility. **(The bill passed the House of Delegates on January 20th.)**
- **HB 1919 (Kory) – Local Green Banks; authorizes a locality, by ordinance, to establish.** Authorizes a locality, by ordinance, to establish a green bank to promote the investment in clean energy technologies in its locality and provide financing for clean energy technologies, defined in the bill. It establishes certain powers and functions of a green bank, including developing rules and procedures, financing and providing loans for clean energy projects, and stimulating demand for renewable energy. The bill requires the green bank to be a public entity, quasi-public entity, or nonprofit entity and requires the locality to hold a hearing and publish a notice in a newspaper of general circulation prior to establishing the green bank. **(Passed House Committee 1/29/21 on a vote of 13-8-1.)**

Brownfields Fund – To begin remedying the effects of environmental injustice, the City supports authorizing funds provided through the Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund (§ 10.1-1237) for use in the assessment and remediation of public housing that was constructed over former solid waste landfills or other hazardous sites.

- **Delegate Delores McQuinn is carrying a budget amendment (Item 130 #2h) that increases the Virginia Brownfields Fund by \$500,000 in FY 21 and \$3.5 million in FY 22, as well as includes language in the program budget item to deal with increased costs associated with assessment and remediation for public housing on or adjacent to landfills or former landfill sites.**