



***City of Richmond Legislative Program  
Final Report  
2021 General Assembly  
April 17, 2021***



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## City of Richmond Legislative Program-Related Bills

### Education

#### **SB 1225 Broadband services; school boards to appropriate funds for expansion of services for education.**

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.

#### **SB 1257 SOQ; school board to provide at least three specialized student support positions.**

Modifies a school personnel requirement in Standard 2 of the Standards of Quality to require each school board to provide at least three specialized student support positions, including school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions, per 1,000 students.

#### **SJ 294 JLARC; costs of education, report.**

Directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality.

### Energy/Environment/Water/Wastewater

#### **HB 1811 Virginia Public Procurement Act; preference for energy-efficient and water-efficient goods.**

Provides that in the course of procuring goods, if a public body receives two or more bids for products that are Energy Star certified, meet Federal Energy Management Program (FEMP) designated efficiency requirements, appear on FEMP's Low Standby Power Product List, or are WaterSense certified, such public body may only select among those bids.

### Participation in Federal Pace Program

#### **HB 1859 Clean energy and other programs; local financing when owner costs are incurred**

Changes the parameters for local ordinances authorizing loan contracts for the installation by property owners of clean energy, resiliency, or stormwater management improvements. The bill provides that if the property owner incurred the costs of improvements to be refinanced or reimbursed within two years of the locality's issuance of a certificate of occupancy or other evidence that the clean energy, resiliency, or stormwater management improvements comply substantially with the plans and specifications previously approved by the locality, the loan amount may include the total costs of such improvements. The bill removes the requirement

that the applicable local ordinance include the proposed interest rate for the loan program and the maximum aggregate dollar amount that may be financed with respect to a property, and it provides that no loan offered under the program shall be used to improve a residential dwelling with fewer than five dwelling units or a residential condominium. The bill alters the fee options available to the locality and provides that the placement of a voluntary special assessment lien does not require a new assessment on the value of the real property. The bill contains technical amendments.

**HB 1919 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. The bill 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, depository bank, or nonprofit entity and requires the locality to hold a hearing and publish notice of the hearing in a newspaper of general circulation prior to establishing the green bank.

**SB 1284 Commonwealth Clean Energy Policy; established.**

Establishes the Commonwealth Clean Energy Policy, replacing the Commonwealth Energy Policy. Sets out the energy policy and objectives of the Policy, which include: (i) the Commonwealth recognizes that effectively addressing climate change and enhancing resilience will advance the health, welfare, and safety of the residents of the Commonwealth and that addressing climate change requires reducing greenhouse gas emissions across the Commonwealth's economy sufficient to reach net-zero emission by 2045 in all sectors, including the electric power, transportation, industrial, agricultural, building, and infrastructure sectors; (ii) the Commonwealth recognizes the need to promote environmental justice and ensure that it is carried out throughout the Commonwealth and the need to address and prevent energy inequities in historically economically disadvantaged communities; and (iii) the Commonwealth must continue to prioritize economic competitiveness and workforce development in an equitable manner.

**HB 1902 Expanded polystyrene food service containers; prohibition, civil penalty.**

Prohibits the dispensing by a food vendor of prepared food to a customer in a single-use expanded polystyrene food service container, as defined in the bill. Requires certain chain restaurants to stop using such containers by July 1, 2023, and sets the date for compliance by all food vendors as July 1, 2025. Provides a process by which a locality may grant consecutive one-year exemptions to individual food vendors on the basis of undue economic hardship. The bill provides a civil penalty of not more than \$50 for each day of violation, to be collected in a civil action brought by the Attorney General or the relevant locality. Penalties collected are to be deposited in the Litter Control and Recycling Fund or to the treasury of the relevant locality, as appropriate. A portion of the penalties deposited in the Fund are to be used for public information campaigns to discourage the sale and use of expanded polystyrene products. Directs the DEQ to post to its website information on compliance and the filing of complaints.

**HB 1982 Nutrient credits; use by facility with certain stormwater discharge permit.**

Authorizes a facility that has been issued a Virginia Pollution Discharge Elimination System (VPDES) permit regulating stormwater discharges to acquire, use, and transfer nutrient credits for compliance with any waste load allocation established as an effluent limitation in its VPDES permit. Current law allows only a facility registered under the Industrial Stormwater General Permit to use nutrient credits for such purpose.

**HB 1983 Wetland and stream mitigation banks; proximity of impacted site.**

Provides that when a water protection permit applicant is required to purchase wetland or stream mitigation bank credits but no credits are available (i) in any mitigation provider's primary service area or (ii) at a cost of less than 200 percent of the price of credits available from a fund dedicated to achieving no net loss of wetland acreage and functions, the applicant may purchase or use credits from a mitigation provider's secondary service area. The bill provides certain requirements that the permit applicant must comply with in order to purchase or use such credits from a secondary service area, including minimum tree canopy requirements.

**HB 2118 Virginia Electric Vehicle Grant Fund and Program; created, report.**

Establishes the Electric Vehicle Grant Fund and Program for the purpose of (i) awarding grants on a competitive basis to public school divisions for (a) assisting with costs of replacing diesel school buses with electric school buses; (b) the implementation of recharging infrastructure or other infrastructure needed to charge or maintain such electric school buses; and (c) workforce development and training to support the maintenance, charging, and operation of such electric school buses and (ii) projects by public, private, and non-profit Virginia entities to assist with replacing diesel-fueled vehicles and machinery with electric vehicles. No allocation of funds shall be made to the Fund or the Program unless federal or nonstate funds are available to cover the entire cost of such allocation. The bill contains provisions relating to grant applications, priority, awards, and uses. The Department of Environmental Quality shall convene a stakeholder workgroup to develop recommendations for establishing and administering the Fund and Program and shall report the workgroup findings to the General Assembly.

**HB 2129 & SB 1354 Chesapeake Bay; wastewater treatment, Enhanced Nutrient Removal Certainty Program established.**

Requires the State Water Control Board to adopt regulations establishing a Phase III Watershed Implementation Plan Enhanced Nutrient Removal Certainty Program (ENRC Program), consisting of a number of total nitrogen and total phosphorous waste load allocation reductions assigned to particular water treatment facilities with schedules for compliance. The bill provides that the ENRC Program shall operate in lieu of certain Chesapeake Bay waste load regulations. The bill directs the Board to modify affected discharge permits to incorporate the provisions of the ENRC Program and requires certain compliance plans due from treatment works beginning February 1, 2023, to address the requirements of the ENRC Program.

The bill provides that the funding of certain design and installation costs for implementing nutrient upgrades pursuant to the ENRC Program shall be eligible for grants from the Water Quality Improvement Fund. The bill lists the projects and the total nitrogen or total phosphorus waste load allocation reductions that specified facilities are to complete. The bill provides that when grants to finance nutrient removal technology reach a sum sufficient to fund the completion of the ENRC Program at all publicly owned treatment works, certain General Assembly committees shall review funding needs and mechanisms. Finally, the bill provides that the priority projects and waste load allocation reductions that it sets forth shall be deemed to implement goals of the Chesapeake Bay Phase III Watershed Implementation Plan (WIP). It authorizes the Secretary of Natural Resources to develop an additional watershed implementation plan if he determines on or after July 1, 2026, that the Commonwealth has not achieved or will not be able to maintain the nitrogen pollution reduction commitments it made in the Phase III WIP.

**HB 2227 Uniform Statewide Building Code; amendments, energy efficiency and conservation.**

Directs the Board of Housing and Community Development, upon each publication by the International Code Council of a new version of the International Energy Conservation Code (IECC), to consider adopting amendments to the Uniform Statewide Building Code to address changes in the IECC related to energy efficiency and conservation.

**SB 1309 Local stormwater assistance; flood mitigation and protection.**

Authorizes grants from a local Stormwater Management Fund to be used for flood mitigation and protection measures that are part of a comprehensive flood mitigation and protection plan adopted by the locality, and requires such grants, where practicable, to prioritize projects that include nature-based practices. Current law allows such funds to be used only for the construction, improvement, or repair of a stormwater management facility or for erosion and sediment control.

**SB 1404 Stormwater Local Assistance Fund; grants awarded for projects related to Chesapeake Bay.**

Authorizes grants from the Stormwater Local Assistance Fund awarded for projects related to Chesapeake Bay total maximum daily load (TMDL) requirements to take into account total phosphorus reductions or total nitrogen reductions. The bill authorizes grants awarded for eligible projects in localities with high or above average fiscal stress as reported by the Commission on Local Government to account for more than 50 percent of the costs of a project.

**State Budget includes \$25 million in FY22 for deposit in the Stormwater Local Assistance Fund**

## Virginia Grocery Fund - Food Deserts

Budget amendment (Delegate McQuinn) that provides an increase in of \$2 million in FY 21 for the Virginia Food Access Investment Program

### **SB 1188 Virginia Agriculture Food Assistance Program and Fund; established and created.**

Requires the Commissioner of Agriculture and Consumer Services (the Commissioner) to establish the Virginia Agriculture Food Assistance Program (VAFA Program) for Virginia farmers and food producers to donate, sell, or otherwise provide agriculture products to charitable food assistance organizations. The bill also creates the Virginia Agriculture Food Assistance Fund to disburse moneys to such charitable food assistance organizations to reimburse farmers or food producers for any costs associated with harvesting, processing, packaging, or transporting agriculture products donated to such charitable food assistance organizations. The bill authorizes the Commissioner to adopt guidelines and regulations to carry out the VAFA Program.

### **HB 2065 Produce Rx Program; Dept. of Social Services, et al., to develop a plan for a 3-yr. pilot Program.**

Directs the Department of Social Services, in cooperation with the Department of Medical Assistance Services, to convene a work group to develop a plan for a three-year pilot Produce Rx 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. The bill requires the Department of Social Services to report on the activities of the work group and the elements of the plan to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by October 1, 2021.

## Taxation

**Marijuana Legalization** - [HB 2312](#) (Herring) [SB 1406](#) (Ebbin) Governor Northam recommended that provisions in the legislation legalizing the personal possession and personal cultivation of cannabis by adults take effect on July 1, 2021 rather than on January 1, 2024 — the enactment date initially approved by lawmakers. Richmond City Council passed a resolution urging the General Assembly to accept the Governor’s amendments at their April 7, Reconvened Session. The General Assembly approved the amendment, so those ages 21 and older would be permitted to possess up to one ounce of marijuana and to cultivate up to four cannabis plants per household without penalty later this year.

- Tax Provisions of Marijuana legalization legislation

§ 4.1-1003. A tax of 21 percent is levied on the sale in the Commonwealth of any retail marijuana, retail marijuana products, marijuana paraphernalia sold by a retail marijuana store, non-retail marijuana, and non-retail marijuana products. The tax shall be in

addition to any tax imposed under Chapter 6 (§ 58.1-600 et seq.) of Title 58.1 or any other provision of federal, state, or local law.

§ 4.1-1004. Optional local marijuana tax.

A. Any locality may by ordinance levy a three percent tax on any sale taxable under § 4.1-1003. The tax shall be in addition to any local sales tax imposed under Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, any food and beverage tax imposed under Article 7.1 (§ 58.1-3833 et seq.) of Chapter 38 of Title 58.1, and any excise tax imposed on meals under § 58.1-3840. Other than the taxes authorized and identified in this subsection, a locality shall not impose any other tax on a sale taxable under § 4.1-1003.

B. If a town imposes a tax under this section, any tax imposed by its surrounding county under this section shall not apply within the limits of the town.

C. Nothing in this section shall be construed to prohibit a locality from imposing any tax authorized by law on a person or property regulated under this subtitle. Nothing in this section shall be construed to limit the authority of any locality to impose a license or privilege tax or fee on a business engaged in whole or in part in sales taxable under § 4.1-1003 if such tax or fee is (i) based on an annual or per-event flat fee authorized by law or (ii) is an annual license or privilege tax authorized by law, and such tax includes sales or receipts taxable under § 4.1-1003 in its taxable measure.

D. Any locality that enacts an ordinance pursuant to subsection A shall, within 30 days, notify the Authority and any retail marijuana store in such locality of the ordinance's enactment. The ordinance shall take effect on the first day of the second month following its enactment.

E. Any tax levied under this section shall be administered and collected by the Authority in the same manner as provided for the tax imposed under § 4.1-1003.

F. All revenues remitted to the Authority under this section shall be disposed of as provided in § 4.1-614.

**Games of Skill/Gray Machines**

[SB 1465](#) / [HB 2168](#) Provides that any person 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. The bill provides that the Attorney General, an attorney for the Commonwealth, or the attorney for any locality may cause an action in equity to be brought in the name of the Commonwealth or of the locality, as applicable, to enjoin the operation of a gambling device in violation of this section and may request attachment against all such devices and any moneys within such devices. The bill provides that any civil penalties brought in the



name of the Commonwealth shall be paid into the Literary Fund and that any civil penalties brought in the name of a locality shall be paid into the general fund of the locality.

## **Transportation**

### **Lowering the Threshold for Reckless Driving in 25 mph Zones**

**HB 1903** Authorizes local governing bodies to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, in a business district or residence district.

## **Housing (Affordability, Eviction, Gentrification and Blight)**

### **HB 1969 Administration of blighted and derelict properties; modifies definition of "qualifying locality."**

Modifies the definition of "qualifying locality" to include any locality with a score of 100 or higher on the fiscal stress index, as published by the Department of Housing and Community Development in July 2020. Under current law, a qualifying locality is one with a score of 107 or higher on the fiscal stress index, as published by the Department using revised data for 2017. Qualifying localities are able to (i) classify blighted and derelict properties as a separate class of taxable property and assess such property at a higher rate and (ii) sell delinquent tax lands six months after the locality has incurred abatement costs for buildings that have been condemned, constitute a nuisance, are a derelict building, or are declared to be blighted. Adds qualifying localities to the list of localities that have different requirements for having a special commissioner appointed to convey tax-delinquent real estate to the locality in lieu of a public sale at auction.

### **HB 2165 Tax delinquent property; sale of land for delinquent taxes.**

Extends from 36 to 60 months the time period for which a local tax official may suspend an action for the sale of tax delinquent property, which under current law is authorized if the owner enters into an agreement with the official to pay delinquent taxes in installments. Authorizes an official to suspend an action if a person who is not a party to the action gives notice asserting ownership rights, by virtue of testate or intestate succession, in the property subject to the action. If a court determines such person has ownership rights in the property, such person may enter into an installment plan similar to what is authorized under current law. Provides that a final court order confirming sale of tax delinquent property shall not be entered sooner than the later of (i) 90 days after the official gives notice of the action or (ii) 90 days after the official receives notice from a person who is not a party to the action asserting ownership rights.

### **HB 2249 Virginia Residential Landlord and Tenant Act; landlord charges for security deposits.**

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 renter's insurance premiums. 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.

**SB 1197 Virginia housing opportunity; tax credit established.**

Establishes, starting in taxable year 2021, a Virginia housing opportunity tax credit, which is equal to the amount of the federal low-income housing tax credit allocated or allowed by the Virginia Housing Development Authority to a low-income building that is eligible for the federal credit. The credit would be nonrefundable and could be carried forward for up to five years.

**Social/Human Services**

**Wrap Around Child Care**

**HB 2206 Child Care Subsidy Program; expanding Program to serve more families.**

Provides that regulations governing the Child Care Subsidy Program (the Program) shall be amended to provide that (i) a family shall be eligible for assistance through the Program if the family's income does not exceed 85 percent of the state median income, the family includes at least one child who is five years of age or younger and has not yet started kindergarten, and the family meets all other income and eligibility requirements of the Program and (ii) job search activities shall be considered eligible activities for the purposes of the Program. Provides that a family determined to be eligible for assistance through the Program shall be eligible to receive assistance for a period of 12 months or until the family's household income exceeds 85 percent of the state median income, whichever occurs sooner. The Department of Social Services shall administer the program, as amended by the bill, in cooperation with the Department of Education. Contains an emergency clause and provides that the provisions of the bill shall be applicable to applications for assistance through the Program received prior to August 1, 2021.  
EMERGENCY

**Mental Health**

**SB 1273 Behavioral Health Commission; created, report.**

Creates the Behavioral Health Commission in the legislative branch of state government for the purpose of (i) studying and making recommendations for the improvement of behavioral health services and the behavioral health service system in the Commonwealth to encourage the adoption of policies to increase the quality and availability of and ensure access to the full continuum of high-quality, effective, and efficient behavioral health services for all persons in the Commonwealth and (ii) providing ongoing oversight of behavioral health services and the behavioral health service system in the Commonwealth, including monitoring and evaluation of established programs, services, and delivery and payment structures and implementation of new services and initiatives in the Commonwealth and development of recommendations for improving such programs, services, structures, and implementation.

**HB 2236 Behavioral health docket; transfer of supervision.** Provides that if an offender determined to be eligible to participate in a behavioral health docket resides in a locality other than that in which the behavioral health docket is located, or such offender desires to move to a locality other than that in which the behavioral health docket is located, and the court determines it is practicable and appropriate, the supervision of such offender may be transferred to a supervising agency in the new locality. The bill states that if the receiving agency accepts the transfer, it shall confirm in writing that it can and will comply with all of the conditions of supervision of the behavioral health docket, including the frequency of in-person and other contact with the offender and updates from the offender's treatment providers and that if the receiving agency cannot comply with the conditions of supervision, the agency shall deny the transfer in writing and the sending agency shall notify the court. The bill also provides that where supervision is transferred, the sending agency shall be responsible for providing to the court reports on an offender's conduct, treatment, and compliance with the conditions of supervision. Additionally, the bill provides that the standards prescribed by the Department of Criminal Justice Services for the development, implementation, operation, and evaluation of local community-based probation services and facilities shall include standards for the transfer of supervision between local community-based probation agencies.

### **Vision Zero**

**HB 2262 Bicycles; traffic regulations, report.** Requires the driver of a motor vehicle to change lanes when overtaking a bicycle or certain other vehicles when the lane of travel is not wide enough for the overtaking motor vehicle to pass at least three feet to the left of the overtaken vehicle. The bill also removes the limitations on riding bicycles and certain other vehicles two abreast. The Department of State Police is directed to convene a work group to review issues related to allowing bicyclists to treat stop signs as yield signs, and to report any recommendations to the chairmen of the House and Senate Committees on Transportation.

### **Municipal Utilities**

**HB 2330 Percentage of Income Payment Program and Fund; DHCD & DSS to adopt rules, etc., for adoption.**

Requires the Department of Social Services (the Department), in consultation with, as it deems necessary, the Department of Housing and Community Development, to adopt rules or establish guidelines for the adoption, implementation, and general administration of the Percentage of Income Payment Program (PIPP) and the Percentage of Income Payment Fund (Fund). The bill requires the PIPP to commence no later than March 1, 2022. Establishes the Fund for the purposes of implementing and administering the PIPP and related programs. Requires Dominion Energy Virginia and American Electric Power to cooperate with the requests of the Department and the State Corporation Commission (the Commission) in the implementation and administration of the PIPP. The Commission is required to promulgate any rules necessary to ensure that funds collected from each utility's universal service fee are directed to the Fund.

## Children's Services Act

### **HB 2117 & SB 1313 Children's Services Act; funds expended special education programs.**

Requires that funds expended for private special education services under the Children's Services Act only be expended on educational programs that are licensed by the Board of Education or an equivalent out-of-state licensing agency. The bill also provides that as of July 1, 2022, such funds may only be expended for programs that the Office of Children's Services certify as having reported their tuition rates.

The bill adds children and youth previously placed in approved private school educational programs for at least six months who will receive transitional services in a public school setting to the target population for eligibility for the state pool of funds. The bill provides that state funds shall be allocated for no longer than 12 months for transitional services.

The bill requires the Secretaries of Education and Health and Human Resources, in conjunction with the Office of Children's Services and the Department of Education, to establish a work group with appropriate stakeholders to develop a detailed plan to direct the transfer of Children's Services Act funds currently reserved for children requiring an educational placement in a private special education day school or residential facility to the Department of Education, as well as several other topics. The bill requires that the work group submit its plan and recommendations to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance and Appropriations by November 1, 2021, as well as a final plan and recommendations by November 1, 2022.

### **HB 2212 Children's Services Act; effective monitoring and implementation.**

Requires the director of the Office of Children's Services to provide for the effective implementation of the Children's Services Act (§ 2.2-5200 et seq.) in all localities by (i) regularly monitoring local performance measures and child and family outcomes; (ii) using audit, performance, and outcomes data to identify local programs that need technical assistance; and (iii) working with local programs that are consistently underperforming to develop a corrective action plan for submission to the Office and the State Executive Council for Children's Services.

### **HB 2238 Licensed private schools for students with disabilities; accreditation.**

Directs the Board of Education to require, pursuant to regulation, any private school for students with disabilities that is licensed by the Board, as a condition for renewal of its initial license to operate, to obtain accreditation from an accrediting agency recognized by the Virginia Council for Private Education within three years of the issuance of its initial triennial license by the Board. The bill provides that, notwithstanding the foregoing requirement, any private school for students with disabilities that is licensed to operate by the Board as of July 1, 2021, shall obtain accreditation from an accrediting agency recognized by the Virginia Council for Private Education no later than July 1, 2024.

**HB 2299 & SB 1288 Special education; Department of and the Board of Education to develop new policies and procedures.**

Requires the Department of Education and the Board of Education to develop new policies and procedures and effect numerous modifications to existing policies and procedures to improve the administration and oversight of special education.

**HB 2314 Special education; Bd. of Education to amend certain regulation.**

Requires the Board of Education to amend a certain regulation relating to special education to remove the word "component" following the word "evaluation," thereby ensuring compliance with the relevant federal regulation and clarifying that the parent of a child with a disability has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the local educational agency.

**HB 2316 Students w/ disabilities; Dept. of Education to update its special education and related services.**

Requires the Department of Education to update its special education eligibility worksheets as necessary, including clarifying any ambiguity or vagueness in eligibility criteria, and provide to each local school division the appropriate level of guidance on eligibility determinations for special education and related services. The bill requires the Board of Education to amend its regulations to ensure that each education preparation program graduate in a K-12 general education endorsement area demonstrates proficiency in understanding the role of general education teachers on the individualized education program (IEP) team.

## Education Funding & Policy

### **HB 1776 Education, Board of; temporary extension of certain teachers' licenses.**

Requires the Board of Education to grant a two-year extension of the license of any individual licensed by the Board whose license expires on June 30, 2021, in order to provide the individual with sufficient additional time to complete the requirements for licensure.

### **HB 1790 & SB 1132 Public schools; severe weather conditions and other emergency situations.**

Provides that when severe weather conditions or other emergency situations have resulted in the closing of any school in a school division for in-person instruction, the school division may declare an unscheduled remote learning day whereby the school provides instruction and student services, consistent with guidelines established by the Department of Education to ensure the equitable provision of such services, without a reduction in the amount paid by the Commonwealth from the Basic School Aid Fund. The bill prohibits any school division from claiming more than 10 unscheduled remote learning days in a school year unless the Superintendent of Public Instruction grants an extension.

### **HB 1865 Kindergarten through grade 3; reading intervention services for certain students.**

Requires reading intervention services for students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading test or any reading diagnostic test that meets criteria established by the Department of Education to be evidence-based, including services that are grounded in the science of reading, and include explicit, systematic, sequential, and cumulative instruction, to include phonemic awareness, systematic phonics, fluency, vocabulary development, and text comprehension as appropriate based on the student's demonstrated reading deficiencies. Requires the parent of a student who receives such reading intervention services to be notified before the services begin and the progress of each such student to be monitored throughout the provision of services.

### **HB 1904 & SB 1196 Teachers and other licensed school board employees; cultural competency.**

Requires teacher, principal, and division superintendent evaluations to include an evaluation of cultural competency. The bill requires every person seeking initial licensure or renewal of a license from the Board of Education (i) to complete instruction or training in cultural competency and (ii) with an endorsement in history and social sciences to complete instruction in African American history, as prescribed by the Board. The bill also requires each school board to adopt and implement policies that require each teacher and any other school board employee holding a license issued by the Board to complete cultural competency training, in accordance with guidance issued by the Board, at least every two years.

**HB 1905 Economic education and financial literacy required in middle and high school grades; employment.**

Adds to objectives developed and approved by the Board of Education for economics education and financial literacy at the middle and high school levels the implications of various employment arrangements with regard to benefits, protections, and long-term financial sustainability. Employment arrangements is defined in the bill as full-time employment, part-time employment, independent contract work, gig work, piece work, contingent work, day labor work, freelance work, and 1099 work.

**HB 1918 & SB 1169 Student driver safety; driver education program shall include dangers of speeding.**

Requires (i) driver education programs to include instruction on the dangers of distracted driving and speeding and (ii) a student to submit a standard application form developed by the Department of Education by which the student provides evidence that he possesses a valid driver's license or driver privilege card before being issued a pass to park a vehicle on high school property.

**HB 1940 & SB 1439 Students; guidelines on excused student absences, civic engagement.**

Provides that, subject to guidelines established by the Department of Education, each school board (i) shall permit one school day-long excused absence per school year for any middle school or high school student in the local school division who is absent from school to engage in a civic event and (ii) may permit additional excused absences for such students who are absent for such purposes. The bill also provides that local school boards may require that the student provide advance notice of the intended absence and require that the student provide documentation of participation in a civic event.

**HB 1998 Public schools; lock-down drills, annual requirement.**

Reduces from three to two the minimum number of mandatory annual lock-down drills in each public elementary and secondary school in the Commonwealth.

**HB 2013 School boards; board policy for students unable to pay for a meal at school.**

Requires each school board to adopt a policy that prohibits the board from filing a lawsuit against a student or the student's parent because the student cannot pay for a meal at school or owes a school meal debt.

**HB 2019 Public elementary and secondary schools; administration of undesignated stock albuterol inhalers.**

Requires each local school board to adopt and implement policies for the possession and administration of undesignated stock albuterol inhalers and valved holding chambers in every public school in the local school division, to be administered by any school nurse, employee of the school board, employee of a local governing body, or employee of a local health department who is authorized by the local health director and trained in the administration of albuterol inhalers and valved holding chambers for any student believed in good faith to be in need of such medication. The bill requires the Department of Education, in conjunction with the Department of Health, to develop and implement policies for the administration of stock albuterol in public schools. The bill has a delayed effective date of January 1, 2022.

**HB 2027 & SB 1357 Standards of Learning; reading & mathematics assessments for students in grades three through eight.**

Requires the Board of Education to establish, in lieu of a one-time end-of-year assessment and for the purpose of providing measures of individual student growth over the course of the school year, a through-year growth assessment system, aligned with the Standards of Learning, for the administration of reading and mathematics assessments in grades three through eight. The bill requires such through-year growth assessment system to include at least one beginning-of-year, one mid-year, and one end-of-year assessment in order to provide individual student growth scores over the course of the school year, provided that the total time scheduled for taking all such assessments shall not exceed 150 percent of the time scheduled for taking a single end-of-year proficiency assessment. The bill requires the Department of Education to ensure adequate training for teachers and principals on how to interpret and use student growth data from such assessments to improve reading and mathematics instruction in grades three through eight throughout the school year. The bill provides that with such funds and content as are available for such purpose, such through-year growth assessment system shall provide accurate measurement of a student's performance, through computer adaptive technology, using test items at, below, and above the student's grade level as necessary. The bill requires full implementation of such system no later than the 2022–2023 school year and partial implementation during the 2021–2022 school year consisting of one beginning-of-year assessment and one end-of-year assessment.

**HB 2118 Virginia Electric Vehicle Grant Fund and Program; created, report.**

Establishes the Electric Vehicle Grant Fund and Program for the purpose of (i) awarding grants on a competitive basis to public school divisions for (a) assisting with costs of replacing diesel school buses with electric school buses; (b) the implementation of recharging infrastructure or other infrastructure needed to charge or maintain such electric school buses; and (c) workforce development and training to support the maintenance, charging, and operation of such electric school buses and (ii) projects by public, private, and non-profit Virginia entities to assist with replacing diesel-fueled vehicles and machinery with electric vehicles. No allocation of funds shall be made to the Fund or the Program unless federal or nonstate funds are available to cover the entire cost of such allocation. The bill contains provisions relating to grant applications, priority, awards, and uses. The Department of Environmental Quality shall



convene a stakeholder workgroup to develop recommendations for establishing and administering the Fund and Program and shall report the workgroup findings to the General Assembly.

**HB 2135 School boards, certain; participation in the Afterschool Meal Program.**

Requires each school board that governs a local school division that has a student population that qualifies for free and reduced-price meals at a minimum percentage of 50 percent in the prior school year and simultaneously offers educational or enrichment activities and is consequently eligible to participate in the Afterschool Meal Program administered by the U.S. Department of Agriculture Food and Nutrition Service (FNS) Child and Adult Care Food Program to apply to the Department of Education to participate in the Afterschool Meal Program for each such school to subsequently and simultaneously serve federally reimbursable meals and offer an afterschool education or enrichment program, pursuant to FNS guidelines and state health and safety standards. The bill requires the Department of Education to administer the Afterschool Meal Program on behalf of the U.S. Department of Agriculture. The bill provides that the Superintendent of Public Instruction shall issue a waiver to this requirement upon determination that participation is not financially viable for a school or group of schools. The bill requires the Department of Education to develop a process and criteria for evaluating such waivers. The bill has a delayed effective date of July 1, 2022.

**HB 2176 School board policies; abusive work environments, definitions.**

Defines, for the purposes of mandatory school board policies relating to abusive work environments, the terms "abusive conduct," "abusive work environment," "physical harm," and "psychological harm." The bill clarifies that the requirement to adopt such policies shall not be construed to limit a school board's authority to adopt policies to prohibit any other type of workplace conduct as the school board deems necessary.

**HB 2299 & SB 1288 Special education; training for school divisions on developing IEPs for children w/ disabilities.**

Requires the Department of Education and the Board of Education to develop new policies and procedures and effect numerous modifications to existing policies and procedures to improve the administration and oversight of special education in the Commonwealth.

**HB 2314 Special education; Bd. of Education to amend certain regulation.**

Requires the Board of Education to amend a certain regulation relating to special education to remove the word "component" following the word "evaluation," thereby ensuring compliance with the relevant federal regulation and clarifying that the parent of a child with a disability has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the local educational agency.

**HB 2316 Students w/ disabilities; Dept. of Education to update its special education and related services.**

Requires the Department of Education to update its special education eligibility worksheets as necessary, including clarifying any ambiguity or vagueness in eligibility criteria, and provide to each local school division the appropriate level of guidance on eligibility determinations for special education and related services. The bill requires the Board of Education to amend its regulations to ensure that each education preparation program graduate in a K-12 general education endorsement area demonstrates proficiency in understanding the role of general education teachers on the individualized education program (IEP) team.

**SB 1190 Health Standards of Learning; advanced directive education for high school students.**

Directs the Board of Education to include advanced directive education in its curriculum framework for the Health Standards of Learning for high school students.

**SB 1225 Broadband services; school boards to appropriate funds for expansion of services for education.**

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.

**SB 1257 SOQ; school board to provide at least three specialized student support positions.**

Modifies a school personnel requirement in Standard 2 of the Standards of Quality to require each school board to provide at least three specialized student support positions, including school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions, per 1,000 students.

**SB 1303 Local school divisions; availability of virtual and in-person learning to all students.**

Requires each school board to offer in-person instruction to each student enrolled in the local school division in a public elementary and secondary school for at least the minimum number of required instructional hours and to each student enrolled in the local school division in a public school-based early childhood care and education program for the entirety of the instructional time provided pursuant to such program. The bill contains certain exceptions to the abovementioned requirement. The bill requires each school board to provide such in-person instruction in a manner in which it adheres, to the maximum extent practicable, to any currently applicable mitigation strategies for early childhood care and education programs and

elementary and secondary schools to reduce the transmission of COVID-19 that have been provided by the federal Centers for Disease Control and Prevention. The bill requires the Department of Education to establish benchmarks for successful virtual learning and guidelines for providing interventions to students who fail to meet such benchmarks and for transitioning such students back to in-person instruction. The bill also requires all teachers and school staff to be offered access to receive an approved COVID-19 vaccination through their relevant local health district. The bill has an expiration date of August 1, 2022.

**SJ 294 JLARC; costs of education, report.**

Directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality.

## **Energy Efficiency**

**HB 1811 Virginia Public Procurement Act; preference for energy-efficient and water-efficient goods.**

Provides that in the course of procuring goods, if a public body receives two or more bids for products that are Energy Star certified, meet Federal Energy Management Program (FEMP) designated efficiency requirements, appear on FEMP's Low Standby Power Product List, or are WaterSense certified, such public body may only select among those bids.

**HB 1834 & SB 1247 Electric generating facility closures; public disclosure, integrated resource plans.**

Requires each owner of a large carbon-emitting power plant to provide notice to relevant localities and state agencies about the decision to close the plant within 30 days of making such decision. The bill requires localities in which such facilities are located, and planning district commissions in such localities, to conduct public hearings regarding the impending closure within six months of receipt of such notice. The bill requires the Division of Energy to maintain a public website listing the facilities subject to the requirements of the bill and their anticipated closure dates. As part of an integrated resource plan, the bill requires each utility to submit a facility retirement study for its carbon-emitting facilities and disclose the study to relevant localities and state agencies.

**HB 1855 Mines, Minerals and Energy, Department of; renamed the Department of Energy.**

Renames the Department of Mines, Minerals and Energy as the Department of Energy. Within the Department, the bill renames the Division of Mined Land Reclamation as the Division of

Mined Land Repurposing and renames the Division of Energy as the Division of Renewable Energy and Energy Efficiency. Makes substantive changes, removing the requirement that the Chief of the Division of Mines be appointed by the Governor and authorizing an employee other than the Virginia Gas and Oil Inspector to serve as the principal executive of the staff of the Virginia Gas and Oil Board. Provides that the Chief Clean Energy Policy Advisor shall be appointed by the Governor. Removes or updates outdated language.

**HB 1907 Electric utilities; advanced renewable energy buyers.**

Provides that certain accelerated renewable energy buyers that are customers of Dominion Energy Virginia and had subscribed to, as of March 1, 2020, a voluntary companion experimental tariff offering for the purchase of renewable attributes from renewable energy facilities that requires a renewable facilities agreement and the purchase of a minimum of 2,000 renewable attributes annually is exempt from the allocation of the net costs related to procurement of new solar or onshore wind generation capacity, energy, or environmental attributes, or energy storage facilities, by Dominion Energy Virginia. The exemption is based on the amount of Renewable Energy Certificates associated with the customer's renewable facilities agreements associated with the tariff offering in proportion to the customer's total electric energy consumption, on an annual basis.

**HB 1919 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. The bill 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, depository bank, or nonprofit entity and requires the locality to hold a hearing and publish notice of the hearing in a newspaper of general circulation prior to establishing the green bank.

**HB 1925 Virginia Brownfield and Coal Mine Renewable Energy Grant Fund and Program; established, report.**

Establishes the Virginia Brownfield and Coal Mine Renewable Energy Grant Fund and Program (the Fund and Program). The bill provides that no allocation of funds shall be made to the Fund or Program unless federal funds are available to cover the cost of such allocation. The Fund and Program shall be administered by the Department of Mines, Minerals and Energy for the purpose of awarding grants to renewable energy projects that are located on brownfields or previously coal mined lands, both defined in the bill. Grants are to be awarded on a basis of \$500 per kilowatt of nameplate capacity from renewable energy sources that are located on previously coal mined lands and \$100 per kilowatt of nameplate capacity from renewable energy sources that are located on brownfields. No more than \$10 million shall be awarded to any previously coal mined lands project and no more than \$5 million to any single brownfield

project. No more than \$35 million shall be allocated per year by the grant program. Of the \$35 million, \$20 million shall be reserved for previously coal mined lands projects. If less than \$20 million is distributed to such projects, the remaining funds may be reallocated to brownfield projects. The bill also provides that the Department shall, in consultation with stakeholders, develop a handbook for renewable energy and energy storage development on brownfields and previously coal mined lands. Finally, the bill requires the Department to submit an annual report regarding administration of the Fund and Program to the General Assembly. However, the annual report shall not be required if the Fund and Program are not funded.

**HB 1965 State Air Pollution Control Board; low-emissions and zero-emissions vehicle program.**

Directs the State Air Pollution Control Board to implement a low-emissions and zero-emissions vehicle program for motor vehicles with a model year of 2025 and later. Regulations adopted by the Board to implement the program are exempt from the Administrative Process Act and shall not become effective prior to January 1, 2024. The bill requires that the regulations adopted by the Board will allow any motor vehicle manufacturer to establish a Virginia-specific zero-emission vehicle credit account and to make a initial deposit into its account. Such credits may be traded or sold or used to meet up to 18 percent of the manufacturer's zero-emissions vehicle program credit requirements in any model year. The bill also authorizes the State Corporation Commission to exclude sales related to such vehicles from certain energy efficiency calculations.

**HB 2034 & SB 1420 Electric utilities; nonjurisdictional customers, third party power purchase agreements.**

Provides that for pilot programs under which an owner or operator of a renewable energy generation facility sells electricity to an eligible customer-generator through a third party power purchase agreement, both jurisdictional and nonjurisdictional customers may participate on a first-come, first-serve basis.

**HB 2148 Small renewable energy projects; energy storage.**

Includes in the definition of a "small renewable energy project" certain energy storage facilities and projects that include storage facility components. Such facilities are eligible for special permitting, review, and inspection requirements. The bill directs the Department of Environmental Quality to promulgate initial regulations to implement the provisions of the bill by January 1, 2022.

**HB 2201 & SB 1207 Solar and energy storage projects; siting agreements throughout the Commonwealth.**

Expands existing provisions related to siting agreements and zoning special exceptions for solar projects located in an opportunity zone to include energy storage projects and makes the

provisions statewide. The bill provides that its provisions shall not apply to any energy storage project that has received zoning and site plan approval, preliminary or otherwise, from the host locality before January 1, 2021. The bill also provides that its provisions shall not become effective with respect to energy storage projects unless the General Assembly approves legislation that authorizes localities to adopt an ordinance for taxation of energy storage projects such as solar projects with a local option for machinery and tools tax or solar revenue share.

**HB 2269 Solar energy projects and energy storage systems; revenue share for projects and systems.**

Allows localities to assess a revenue share of up to \$1,400 per megawatt on energy storage systems. The bill provides that on July 1, 2026, and every five years thereafter, the maximum amount of the revenue share that a locality may impose on certain solar energy projects and energy storage systems shall be increased by 10 percent. No increase may be made to any revenue share imposed by a locality on a solar energy project or energy storage systems for which an application has been filed with the locality and such application has been approved prior to January 1, 2021.

**HB 2282 State Corporation Commission; transportation electrification, utility recovery of certain costs.**

Directs the State Corporation Commission (the Commission) to report on policy proposals to accelerate transportation electrification in the Commonwealth. Requires the Commission to submit, no later than May 1, 2022, a report to the General Assembly recommending policy proposals that could govern public electric utility programs to accelerate widespread transportation electrification in the Commonwealth. Requires the Commission to utilize a public process, facilitated by a third party with expertise in transportation electrification, in which the Commission, the Department of Environmental Quality, the Department of Mines, Minerals and Energy, the Department of Transportation, and appropriate stakeholders participate. Requires that the Commission, in developing its policy recommendations, evaluate (i) areas where utility or other public investment may best complement private efforts to effectively deploy charging infrastructure, with particular focus on low-income, minority, and rural communities; (ii) how smart growth policies can complement and enhance the Commonwealth's transportation electrification goals; (iii) how utility programs, investments, or incentives to customers or third parties to facilitate the deployment of charging infrastructure and related upgrades can support or enhance (a) statewide transportation electrification, including electrification of public transit; (b) the electrification of medium-duty and heavy-duty vehicles, school buses, vehicles at ports and airports, personal vehicles, and vehicle fleets; (c) increased access to electric transportation and improved air quality in low-income and medium-income communities; (d) achievement of existing energy storage targets; (e) improvements to the distribution grid or to specific sites necessary to accommodate charging infrastructure; and (f) customer education and outreach programs that increase awareness of such programs and the benefits of transportation electrification. The bill requires that the report also address whether and how transportation

electrification can, under current law, (1) reduce total ratepayer rates and costs; (2) assist in grid management and more efficient use of the grid, in a manner that does not increase peak demand, through time-of-use rates, managed charging programs, vehicle-to-grid programs, or other alternative rate designs; (3) utilize increased generation from renewable energy resources; and (4) reduce fueling costs for vehicles. Requires that, to the extent that the Commission and stakeholders conclude that transportation electrification cannot currently deliver these benefits, the report include public policy recommendations. Requires, beginning July 1, 2021, that any approved costs of any investor-owned electric utility associated with investment in transportation electrification be recovered only through the utility's rates for generation and distribution, prohibits recovery of such costs through a rate adjustment clause, and provides that such costs are not eligible for a customer credit reinvestment offset.

**HB 2304 & SB 1413 Phase I or Phase II electric utilities; provision of broadband capacity.**

Makes permanent the pilot program under which a Phase I or Phase II electric utility is permitted to petition the State Corporation Commission to provide broadband capacity to unserved areas of the Commonwealth. The bill expands the program to allow for the participation of municipalities and government-owned broadband authorities. The bill provides that investor-owned electric utilities may recover costs of and revenue generated from providing broadband capacity that serves as an electric grid transformation project in areas unserved by broadband, as defined in the bill. The bill also consolidates the State Corporation Commission petition approval process into one hearing.

**HB 2330 Percentage of Income Payment Program and Fund; DHCD & DSS to adopt rules, etc., for adoption.**

Requires the Department of Social Services (the Department), in consultation with, as it deems necessary, the Department of Housing and Community Development, to adopt rules or establish guidelines for the adoption, implementation, and general administration of the Percentage of Income Payment Program (PIPP) and the Percentage of Income Payment Fund (Fund). The bill requires the PIPP to commence no later than March 1, 2022. Establishes the Fund for the purposes of implementing and administering the PIPP and related programs. Requires Dominion Energy Virginia and American Electric Power to cooperate with the requests of the Department and the State Corporation Commission (the Commission) in the implementation and administration of the PIPP. The Commission is required to promulgate any rules necessary to ensure that funds collected from each utility's universal service fee are directed to the Fund. The bill requires the Commission to initiate proceedings to provide for an annual true-up of the universal service fee within 60 days of the commencement of the PIPP and on an annual or semiannual basis thereafter. Provides that the PIPP may utilize existing energy efficiency or related programs approved by the Commission. Authorizes the Department to determine what deficiencies exist in existing and available federal, state, local, or nonprofit programs to meet energy reduction obligations and to (i) make recommendations to the Commission or the utilities regarding deficiency analysis and (ii) develop programs to address deficiencies. Authorizes the Department to develop and implement non-utility energy efficiency



programs and other programs for the reduction of energy use for eligible participants in the PIPP, provided that the Department engage in a stakeholder process and undertake a cost-benefit analysis in the development of any such programs. Requires that the Commission to make adjustments to the universal service fee as necessary to provide adequate funding for such programs. Requires the Commission to initiate proceedings to establish new energy efficiency or low-income programs proposed by a utility as necessary to provide service to PIPP participants over a timeframe to be determined by the Commission. Requires the Commission to issue an order providing for the non-bypassable universal service fee as soon as practicable following the bill's effective date.

**SB 1223 Virginia Energy Plan; amends Plan to include an analysis of electric vehicle charging infrastructure**

Amends Virginia Energy Plan to include analysis of electric vehicle charging infrastructure and other infrastructure needed to support 2045 net-zero carbon target in the trans. sector.

**SB 1284 Commonwealth Clean Energy Policy; established.**

Establishes the Commonwealth Clean Energy Policy, replacing the Commonwealth Energy Policy. Sets out the energy policy and objectives of the Policy, which include: (i) the Commonwealth recognizes that effectively addressing climate change and enhancing resilience will advance the health, welfare, and safety of the residents of the Commonwealth and that addressing climate change requires reducing greenhouse gas emissions across the Commonwealth's economy sufficient to reach net-zero emission by 2045 in all sectors, including the electric power, transportation, industrial, agricultural, building, and infrastructure sectors; (ii) the Commonwealth recognizes the need to promote environmental justice and ensure that it is carried out throughout the Commonwealth and the need to address and prevent energy inequities in historically economically disadvantaged communities; and (iii) the Commonwealth must continue to prioritize economic competitiveness and workforce development in an equitable manner.

**SB 1295 Electric utilities; procurement of certain equipment.**

Requires a utility, in the construction of onshore wind, solar, and energy storage facilities, to procure, subject to a competitive process, equipment from a Virginia-based or United States-based manufacturer using materials or product components made in Virginia or the United States, if reasonably available and competitively priced. Requires a utility, in the construction of certain offshore wind projects, to develop and submit a plan for review to the State Corporation Commission that includes considerations for the procurement of equipment from a Virginia-based or United States-based manufacturer using materials or product components made in Virginia or the United States, if reasonably available and competitively priced.

**SB 1374 Carbon Sequestration Task Force; established.**



Directs the Secretary of Natural Resources with the Secretary of Agriculture and Forestry, to convene a task force to study carbon sequestration in the Commonwealth and submit a report of its findings before the first day of the 2022 Session of the General Assembly. Directs the task force to (i) consider methods of increasing carbon sequestration within the natural environment through state land and marine resources use policies; agricultural and silvicultural practices; and other practices to achieve restoration of natural resources and long-term conservation; (ii) recommend short-term and long-term benchmarks for increasing carbon sequestration; (iii) develop a standardized methodology to establish baseline carbon levels and account for increases in carbon sequestration over time; (iv) identify existing carbon markets and considerations relevant to potential participation by the Commonwealth; and (v) identify potential funding mechanisms to encourage carbon sequestration practices.

**SB 1385 Underground utility facilities; Fairfax County.**

Removes the sunset on a pilot program allowing a locality that has adopted the urban county executive form of government (Fairfax County) to request an electric utility to place underground electric distribution lines as part of a transportation infrastructure improvement project and changes a number of provisions in the program including (i) expanding the scope to include electric cooperatives, telecommunications providers, cable providers, and other utilities; (ii) expanding the scope to include all underground facilities; (iii) making negotiable in the agreement the costs of relocating the facilities; (iv) placing additional limits on the levy to fund the project and the types of projects for which it may be imposed; and (v) authorizing the locality to secure necessary permits on behalf of the utility or provider.

## **Environment and Water Resources**

**HB 1763 & SB 1162 Tax credit; agricultural best management practices.**

Creates an enhanced individual and corporate income tax credit for taxable years 2021 through 2024 for the implementation of certain agricultural best management practices by the taxpayer that are required as part of a certified resource management plan. The enhanced tax credit is equal to 50 percent of the first \$100,000 expended in implementing certain agricultural best management practices, and each amount shall be consistent with the rate offered for each eligible practice under the Virginia Agricultural Best Management Practices Cost-Share Program. The bill retains a tax credit for 25 percent of expenses made for all other agricultural best management practices that are not eligible for the enhanced credit rate but increases the maximum amount of expenses to which one can apply the 25 percent credit from \$70,000 to \$100,000. A taxpayer may not claim credit for the same practice in the same management area under both the 25 percent and enhanced 75 percent credits. The aggregate amount of credit claimed per taxpayer shall not exceed \$75,000 per year, and the aggregate amount of individual and corporate credits claimed among all taxpayers and credits shall not exceed \$2 million per year. The bill sunsets the existing agricultural best management practices tax credits after taxable year 2024.

**HB 1819 Rappahannock River; designating a 79-mile portion as a component of Va. Scenic Rivers System.**

Adds a 79-mile portion of the Rappahannock River located in Caroline, King George, Westmoreland, Essex, and Richmond Counties to the Rappahannock State Scenic River, a component of the Virginia Scenic Rivers System.

**HB 1834 & SB 1247 Electric generating facility closures; public disclosure, integrated resource plans.**

Requires each owner of a large carbon-emitting power plant to provide notice to relevant localities and state agencies about the decision to close the plant within 30 days of making such decision. The bill requires localities in which such facilities are located, and planning district commissions in such localities, to conduct public hearings regarding the impending closure within six months of receipt of such notice. The bill requires the Division of Energy to maintain a public website listing the facilities subject to the requirements of the bill and their anticipated closure dates. As part of an integrated resource plan, the bill requires each utility to submit a facility retirement study for its carbon-emitting facilities and disclose the study to relevant localities and state agencies.

**HB 1836 Natural Resources, Secretary of; name changed to the Secretary of Natural and Historic Resources.**

Renames the Secretary of Natural Resources as the Secretary of Natural and Cultural Resources. The bill also designates the Secretary as the Chief Resilience Officer and removes the Virginia Museum of Natural History from the purview of the Secretary.

**HB 1837 & SB 1161 Virginia Soil and Water Conservation Board; clarifies membership.**

Clarifies that each of the six non-legislative citizen members of the Virginia Soil and Water Conservation Board (the Board) who is not an at-large member is to be appointed by the Governor from a list of two qualified nominees submitted for each vacancy by the Board and the Board of Directors of the Virginia Association of Soil and Water Conservation Districts (the Association) in consultation with other groups. Requires each of the six non-legislative citizen members to be a resident of a different one of the six geographic areas represented in the Association. The bill contains technical amendments.

**HB 1902 Expanded polystyrene food service containers; prohibition, civil penalty.**

Prohibits the dispensing by a food vendor of prepared food to a customer in a single-use expanded polystyrene food service container, as defined in the bill. Requires certain chain restaurants to stop using such containers by July 1, 2023, and sets the date for compliance by

all food vendors as July 1, 2025. Provides a process by which a locality may grant consecutive one-year exemptions to individual food vendors on the basis of undue economic hardship. The bill provides a civil penalty of not more than \$50 for each day of violation, to be collected in a civil action brought by the Attorney General or the relevant locality. Penalties collected are to be deposited in the Litter Control and Recycling Fund or to the treasury of the relevant locality, as appropriate. A portion of the penalties deposited in the Fund are to be used for public information campaigns to discourage the sale and use of expanded polystyrene products. Directs the DEQ to post to its website information on compliance and the filing of complaints.

**HB 1958 South River; designates segment in City of Waynesboro as part of Va. Scenic Rivers System.**

Designates a 6.5-mile segment of the South River in the City of Waynesboro as a component of the Virginia Scenic Rivers System.

**HB 1965 State Air Pollution Control Board; low-emissions and zero-emissions vehicle program.**

Directs the State Air Pollution Control Board to implement a low-emissions and zero-emissions vehicle program for motor vehicles with a model year of 2025 and later. Regulations adopted by the Board to implement the program are exempt from the Administrative Process Act and shall not become effective prior to January 1, 2024. The bill requires that the regulations adopted by the Board will allow any motor vehicle manufacturer to establish a Virginia-specific zero-emission vehicle credit account and to make a initial deposit into its account. Such credits may be traded or sold or used to meet up to 18 percent of the manufacturer's zero-emissions vehicle program credit requirements in any model year. Authorizes the State Corporation Commission to exclude sales related to such vehicles from certain energy efficiency calculations.

**HB 1979 Electric vehicle rebate program; creation and funding, report, sunset date.**

Creates a rebate program for the purchase or lease of new and used electric vehicles, to be administered by the Department of Mines, Minerals and Energy. A purchaser or lessee of a new or used electric vehicle would receive a \$2,500 rebate at the time of purchase, and a purchaser or lessee with an annual household income that does not exceed 300 percent of the federal poverty level would be entitled to an additional \$2,000 rebate for a new electric vehicle and \$500 for a used electric vehicle beginning in taxable year 2022. The bill also establishes an Electric Vehicle Rebate Advisory Council to oversee the Electric Vehicle Rebate Program and to make recommendations regarding its implementation. The Director of the Department of Mines, Minerals and Energy is required to report annually to the Governor and the General Assembly regarding the Program. The program expires on January 1, 2027.

**HB 1982 Nutrient credits; use by facility with certain stormwater discharge permit.**

Authorizes a facility that has been issued a Virginia Pollution Discharge Elimination System (VPDES) permit regulating stormwater discharges to acquire, use, and transfer nutrient credits for compliance with any waste load allocation established as an effluent limitation in its VPDES permit. Current law allows only a facility registered under the Industrial Stormwater General Permit to use nutrient credits for such purpose.

**HB 1983 Wetland and stream mitigation banks; proximity of impacted site.**

Provides that when a water protection permit applicant is required to purchase wetland or stream mitigation bank credits but no credits are available (i) in any mitigation provider's primary service area or (ii) at a cost of less than 200 percent of the price of credits available from a fund dedicated to achieving no net loss of wetland acreage and functions, the applicant may purchase or use credits from a mitigation provider's secondary service area. The bill provides certain requirements that the permit applicant must comply with in order to purchase or use such credits from a secondary service area, including minimum tree canopy requirements.

**HB 1994 Small agricultural generators; expands definition.**

Expands the definition of "small agricultural generator" to include any business operating a small agricultural generating facility that has been granted a manufacturer license as a distillery, limited distillery, brewery, limited brewery, winery, or farm winery. Under current law, small agricultural generators include only those businesses operating a small agricultural generating facility as part of an agricultural business. The bill requires the State Corporation Commission to initiate a rulemaking, after August 1, 2021, but prior to January 1, 2022, to promulgate regulations to implement the provisions of the bill.

**HB 2030 Neonicotinoid pesticides; communication between beekeepers and applicators.**

Directs the Department of Agriculture and Consumer Services to study the Beekeeper Pollinator Protection Plan and voluntary best management practices for the purpose of proposing improvements to communication between beekeepers and applicators to reduce the risk to pollinators from neonicotinoid pesticides. Authorizes the Department to establish a stakeholder working group and directs it to report on its findings no later than December 1, 2021.

**HB 2118 Virginia Electric Vehicle Grant Fund and Program; created, report.**

Establishes the Electric Vehicle Grant Fund and Program for the purpose of (i) awarding grants on a competitive basis to public school divisions for (a) assisting with costs of replacing diesel school buses with electric school buses; (b) the implementation of recharging infrastructure or other infrastructure needed to charge or maintain such electric school buses; and (c) workforce development and training to support the maintenance, charging, and operation of such electric school buses and (ii) projects by public, private, and non-profit Virginia entities to assist with replacing diesel-fueled vehicles and machinery with electric vehicles. No allocation of funds

shall be made to the Fund or the Program unless federal or nonstate funds are available to cover the entire cost of such allocation. The bill contains provisions relating to grant applications, priority, awards, and uses. The Department of Environmental Quality shall convene a stakeholder workgroup to develop recommendations for establishing and administering the Fund and Program and shall report the workgroup findings to the General Assembly.

**HB 2129 & SB 1354 Chesapeake Bay; wastewater treatment, Enhanced Nutrient Removal Certainty Program established.**

Requires the State Water Control Board to adopt regulations establishing a Phase III Watershed Implementation Plan Enhanced Nutrient Removal Certainty Program (ENRC Program), consisting of a number of total nitrogen and total phosphorous waste load allocation reductions assigned to particular water treatment facilities with schedules for compliance. The bill provides that the ENRC Program shall operate in lieu of certain Chesapeake Bay waste load regulations. The bill directs the Board to modify affected discharge permits to incorporate the provisions of the ENRC Program and requires certain compliance plans due from treatment works beginning February 1, 2023, to address the requirements of the ENRC Program. The bill provides that the funding of certain design and installation costs for implementing nutrient upgrades pursuant to the ENRC Program shall be eligible for grants from the Water Quality Improvement Fund. The bill lists the projects and the total nitrogen or total phosphorus waste load allocation reductions that specified facilities are to complete. The bill provides that when grants to finance nutrient removal technology reach a sum sufficient to fund the completion of the ENRC Program at all publicly owned treatment works, certain General Assembly committees shall review funding needs and mechanisms. Finally, the bill provides that the priority projects and waste load allocation reductions that it sets forth shall be deemed to implement goals of the Chesapeake Bay Phase III Watershed Implementation Plan (WIP). It authorizes the Secretary of Natural Resources to develop an additional watershed implementation plan if he determines on or after July 1, 2026, that the Commonwealth has not achieved or will not be able to maintain the nitrogen pollution reduction commitments it made in the Phase III WIP.

**HB 2159 Balloons; release of nonbiodegradable balloons outdoors prohibited, civil penalty.**

Prohibits any individual 16 years of age or older or other person, including a corporation, from intentionally releasing, discarding, or causing to be released or discarded any nonbiodegradable balloon outdoors and provides that any person convicted of such violation is liable for a civil penalty of \$25 per balloon, to be paid into the Game Protection Fund. The bill provides that if a person under the age of 16 releases a balloon at the instruction of an adult, the adult shall be liable for the civil penalty. Current law prohibits a person from knowingly releasing 50 or more such balloons within an hour and sets the civil penalty at \$5 per balloon, with the proceeds deposited into the Lifetime Hunting and Fishing Endowment Fund.

**HB 2187 Recurrent Flooding Resiliency, Commonwealth Center; study topics to manage water quality, etc.**

Directs the Commonwealth Center for Recurrent Flooding Resiliency (the Center) to evaluate the development of a Flood Resiliency Clearinghouse Program and to work with the Department of Conservation and Recreation to evaluate solutions that manage both water quality and flooding and emphasize nature-based solutions. The bill requires the Center to report its findings by November 1, 2021.

**HB 2213 Gold; Secretary of Natural Resources, et al., to study mining and processing.**

Directs the Secretary of Natural Resources, the Secretary of Health and Human Resources, and the Secretary of Commerce and Trade to establish a work group to study the mining of gold in the Commonwealth. The bill requires that the study be conducted in consultation with the Virginia Council on Environmental Justice and appropriate stakeholders, including experts in mining, hydrology, toxicology, and other fields; environmental organizations; representatives of potentially affected communities in localities with significant deposits of gold; and residents of Native American communities in such localities. The bill provides that the work group shall evaluate the impacts of gold mining on public health, safety, and welfare; evaluate whether existing air and water quality regulations are sufficient to protect air and water quality from the mining and processing of gold; evaluate whether existing bonding, reclamation, closure, and long-term monitoring of sites for such mining or processing are sufficient; and report its findings to the General Assembly by December 1, 2022.

**HJ 527 Invasive plant species; DCR, et al., to study the sale and use of species.**

Requests the Department of Conservation and Recreation, jointly with the Department of Agriculture and Consumer Services, to establish a work group to study the sale and use of invasive plant species. The resolution requests that the departments work with several state agencies, conservation nonprofits, plant industry and agriculture groups, local government associations, and other stakeholders to develop recommendations regarding statutory and regulatory changes intended to reduce or eliminate the sale and use of invasive plant species in the Commonwealth and promote the sale and use of native plants.

**SB 1143 Wetlands; extension of certain permits through 2021.**

Retroactively extends until January 1, 2022, certain wetlands permits set to expire between March 1, 2020, and July 1, 2021.

**SB 1164 Advanced recycling; not considered solid waste management, definition.**

Defines, for purposes of the Virginia Waste Management Act, "advanced recycling" as a manufacturing process for the conversion of post-use polymers and recovered feedstocks into

basic hydrocarbon raw materials and other materials. The bill also defines "gasification," "post-use polymer," and other terms related to advanced recycling.

**SB 1210 Permit fee schedules; DEQ to revise current schedule for nonhazardous solid waste mgmt. facilities.**

Directs the Director of the Department of Environmental Quality to convene working groups for the purpose of developing annual fee schedules for nonhazardous solid waste management facilities and annual maintenance fees for certain water withdrawal permits to replace the current annual fee schedules.

**SB 1258 Solar projects; erosion and sediment control.**

Requires any locality that does not operate a regulated MS4 and for which the Department did not administer a VSMP as of July 1, 2020, to notify the Department of Environmental Quality (the Department) if it decides to have the Department provide the locality with (i) review of a required erosion and sediment control plan and (ii) a recommendation on the plan's compliance with the requirements of the Erosion and Sediment Control Law and the State Water Control Board's regulations, for any solar project and its associated infrastructure with a rated electrical generation capacity exceeding five megawatts. The bill provides certain procedural steps for the Department and VESCP authority for a locality to take in reviewing the plan and making recommendations and decisions.

**SB 1274 Wildlife corridors; various agencies to consider and incorporate.**

Directs various agencies to consider and incorporate, where applicable, wildlife corridors and any recommendation of the Wildlife Corridor Action Plan. The bill directs the Department of Wildlife Resources to publish the Plan and subsequent updates on its website and to assist state agencies and political subdivisions, and by request any federal agency, in considering and incorporating, where applicable, wildlife corridors and the recommendations of the Plan when developing any governmental strategic plan, map, or action.

**SB 1280 Dams; negotiated settlement agreements.**

Authorizes the Virginia Soil and Water Conservation Board to enter into a negotiated settlement with the owners of certain impounding structures who have allegedly violated or failed, neglected, or refused to obey any permit condition, provision of the Dam Safety Act, or Board regulation or order. The settlement shall require the dam owner to correct deficiencies at the dam structure and to pay civil charges for past alleged violations instead of any appropriate civil penalty that could be imposed. Such civil charges shall be suspended upon compliance with the settlement agreement.



**SB 1282 Greenhouse gas emissions inventory; regulations.**

Directs the Department of Environmental Quality to conduct a statewide baseline and projection inventory of all greenhouse gas emissions and to update such inventory every four years. The bill requires that the inventory be published and included in the annual report of the State Air Pollution Control Board. The bill also authorizes the Board to adopt regulations necessary to collect data needed to conduct, update, and maintain the inventory. The bill exempts proprietary information collected by the Department from the mandatory disclosure requirements of the Virginia Freedom of Information Act.

**SB 1284 Commonwealth Clean Energy Policy; established.**

Establishes the Commonwealth Clean Energy Policy, replacing the Commonwealth Energy Policy. The bill sets out the energy policy and objectives of the Commonwealth Clean Energy Policy, which include: (i) the Commonwealth recognizes that effectively addressing climate change and enhancing resilience will advance the health, welfare, and safety of the residents of the Commonwealth and that addressing climate change requires reducing greenhouse gas emissions across the Commonwealth's economy sufficient to reach net-zero emission by 2045 in all sectors, including the electric power, transportation, industrial, agricultural, building, and infrastructure sectors; (ii) the Commonwealth recognizes the need to promote environmental justice and ensure that it is carried out throughout the Commonwealth and the need to address and prevent energy inequities in historically economically disadvantaged communities; and (iii) the Commonwealth must continue to prioritize economic competitiveness and workforce development in an equitable manner.

**SB 1290 ConserveVirginia program; established.**

Establishes in the Department of Conservation and Recreation a data-driven Geographical Information Systems model to prioritize potential conservation areas across the Commonwealth that would provide quantifiable benefits to the citizens of Virginia, known as ConserveVirginia. Aspects of the program include (i) the synthesis of multiple mapped data inputs, divided into categories, each representing a different overarching conservation value, and periodic revision of such values; (ii) access to the model by the public and all state and federal agencies; and (iii) incorporation of the model into acquisition or grant decisions when appropriate. Requires the Virginia Land Conservation Foundation to report on success of the program and incorporate the program into needs assessments for expenditures from the Virginia Land Conservation Fund.

**SB 1291 Va. Water Protection Permit; withdrawal of surface water or ground water, plans for water auditing.**

Requires that any application for a permit to withdraw surface water or ground water include a water auditing plan and a leak detection and repair plan that comply with regulations adopted by the State Water Control Board pursuant to the provisions of the bill. The provisions of the



bill shall not become effective until 30 days after the adoption by the Board of such regulations.

**SB 1309 Local stormwater assistance; flood mitigation and protection.**

Authorizes grants from a local Stormwater Management Fund to be used for flood mitigation and protection measures that are part of a comprehensive flood mitigation and protection plan adopted by the locality, and requires such grants, where practicable, to prioritize projects that include nature-based practices. Current law allows such funds to be used only for the construction, improvement, or repair of a stormwater management facility or for erosion and sediment control.

**SB 1311 Water quality standards; modification of permits and certifications.**

Requires an applicant for a natural gas transmission pipeline greater than 36 inches inside diameter to submit in the application a detailed erosion and sediment control plan and stormwater management plan subject to Department of Environmental Quality (the Department) review and approval. After receipt of such application, the bill directs the Department to issue a request for information about how the erosion and sediment control plan and stormwater management plan will address activities in or related to upland areas, and requires the applicant to respond. Directs the Department to consider such information in developing a draft certification or denial, and to take certain additional public notice steps. Prohibits the Department and the State Water Control Board from expressly waiving certification of a natural gas transmission pipeline of greater than 36 inches inside diameter under § 401 of the federal Clean Water Act, and to act on any certification request within a reasonable period of time pursuant to federal law.

**SB 1319 Waste Diversion & Recycling Task Force; Department of Environmental Quality to continue Task Force.**

Requests the Department of Environmental Quality to continue and expand the scope of the Waste Diversion and Recycling Task Force.

**SB 1343 Virginia Freedom of Information Act; proprietary records and trade secrets.**

Excludes from the mandatory disclosure provisions of the Virginia Freedom of Information Act proprietary information, voluntarily provided by a private business under a promise of confidentiality from a public body, used by the public body for a carbon sequestration agreement. Requires the private business to specify the records for which protection is sought before submitting them to the public body and to state the reasons protection is necessary.

**SB 1374 Carbon Sequestration Task Force; established.**

Directs the Secretary of Natural Resources, jointly with the Secretary of Agriculture and Consumer Services, to convene a task force for the purpose of studying carbon sequestration in

the Commonwealth and submit a report of its findings before the first day of the 2022 Session of the General Assembly. Directs the task force to (i) consider possible methods of increasing carbon sequestration within the natural environment through state land and marine resources use policies; agricultural, aquacultural, and silvicultural practices; and other practices to achieve restoration of natural resources and long-term conservation; (ii) recommend short-term and long-term benchmarks for increasing carbon sequestration; (iii) develop a standardized methodology to establish baseline carbon levels and account for increases in carbon sequestration over time; (iv) identify existing carbon markets and considerations relevant to potential participation by the Commonwealth; and (v) identify other potential funding mechanisms to encourage carbon sequestration practices in the Commonwealth.

**SB 1396 Onsite Sewage Indemnification Fund; use of Fund for grants to certain property owners.**

Authorizes the State Board of Health to use the Onsite Sewage Indemnification Fund to provide grants and loans to property owners with income at or below 200 percent of the federal poverty guidelines to repair failing onsite sewage systems or install onsite sewage systems on properties that lack adequate sewage disposal. The bill provides that no expenses shall be paid from the Fund to support the program for training and recognition of onsite soil evaluators, or to provide grants or loans to repair failing onsite sewage systems or install onsite sewage systems on properties that lack adequate sewage disposal in lieu of payment to any owner or owners qualified to receive payment from the Fund. The bill also directs the Board to adopt regulations that include consideration of the impacts of climate change on proposed treatment works. The bill sets out the policy of the Commonwealth regarding wastewater infrastructure and establishes the four-member Wastewater Infrastructure Policy Working Group as an advisory board in the executive branch of state government to continually assess wastewater infrastructure needs and develop policy recommendations. The bill provides that the Working Group shall expire in 2030. The bill also directs the Department of Environmental Quality, in partnership with the Virginia Department of Health and in consultation with stakeholders, to estimate and report every four years the amount of wastewater infrastructure funding that is necessary to meet policy goals but is not eligible to be covered by grant funding pursuant to the Virginia Water Quality Improvement Act of 1997.

**SB 1404 Stormwater Local Assistance Fund; grants awarded for projects related to Chesapeake Bay.**

Authorizes grants from the Stormwater Local Assistance Fund awarded for projects related to Chesapeake Bay total maximum daily load (TMDL) requirements to take into account total phosphorus reductions or total nitrogen reductions. The bill authorizes grants awarded for eligible projects in localities with high or above average fiscal stress as reported by the Commission on Local Government to account for more than 50 percent of the costs of a project.

## Building Code

### **HB 1969 Administration of blighted and derelict properties; modifies definition of "qualifying locality."**

Modifies the definition of "qualifying locality" to include any locality with a score of 100 or higher on the fiscal stress index, as published by the Department of Housing and Community Development in July 2020. Under current law, a qualifying locality is one with a score of 107 or higher on the fiscal stress index, as published by the Department using revised data for 2017. Qualifying localities are able to (i) classify blighted and derelict properties as a separate class of taxable property and assess such property at a higher rate and (ii) sell delinquent tax lands six months after the locality has incurred abatement costs for buildings that have been condemned, constitute a nuisance, are a derelict building, or are declared to be blighted. Adds qualifying localities to the list of localities that have different requirements for having a special commissioner appointed to convey tax-delinquent real estate to the locality in lieu of a public sale at auction.

### **HB 2001 State and local buildings, certain; building standards.**

Requires that any executive branch agency or institution or locality entering the design phase for the construction of a new building greater than 5,000 gross square feet in size or the renovation of a building where the cost of the renovation exceeds 50 percent of the value of the building ensure that such building has sufficient electric vehicle charging infrastructure, defined in the bill, and has features that permit the agency or institution to track the building's energy efficiency and carbon emissions. The bill authorizes the Director of the Department of General Services to grant exemptions to such standards, in writing and with certain terms. The bill requires agencies to annually report to the Governor the energy efficiency and carbon emissions metrics for each such building built or renovated. The bill requires localities to design such building projects according to the same or similar standards, or more stringent standards if adopted by ordinance. The bill also requires that localities incorporate appropriate resilience and distributed energy features. The bill requires that any exemption from the standards granted by resolution of the governing body of a locality be made in writing and explain the basis for granting the exemption.

### **HB 2227 Uniform Statewide Building Code; amendments, energy efficiency and conservation.**

Directs the Board of Housing and Community Development, upon each publication by the International Code Council of a new version of the International Energy Conservation Code (IECC), to consider adopting amendments to the Uniform Statewide Building Code to address changes in the IECC related to energy efficiency and conservation.

## **Housing/Landlord Tenant Act**

### **HB 1775 State Corporation Commission; access to local land records.**

Adds the State Corporation Commission to the list of agencies that are exempt from paying fees for remote access to local land records.

### **HB 1898 Zoning appeals, board of; appointments.**

Provides an exception to the general rule that an elected official cannot be appointed to a board of zoning appeals by allowing an elected official from a town to serve on the board of zoning appeals of the county in which the member also resides.

### **HB 1900 & SB 1215 Virginia Residential Landlord and Tenant Act; tenant remedies for exclusion from dwelling unit.**

Provides that a general district court shall enter an order upon petition by a tenant that his landlord has (i) removed or excluded the tenant from the dwelling unit unlawfully, (ii) interrupted or caused the interruption of an essential service to the tenant, or (iii) taken action to make the premises unsafe for habitation. The bill allows entry of a preliminary order ex parte to require the landlord to allow the tenant to recover possession of the dwelling unit, resume any such interrupted essential service, or fix any willful actions taken by the landlord or his agent to make the premises unsafe for habitation if there is good cause to do so and the tenant made reasonable efforts to notify the landlord of the hearing. The bill requires that any ex parte order entered shall further indicate a date for a full hearing on the petition that is no later than 10 days from the initial hearing date. Finally, the bill provides that, at a full hearing on such petition and upon proper evidence presented, the tenant shall recover actual damages, the greater of \$5,000 or four months' rent, and reasonable attorney fees.

### **HB 1971 Virginia Fair Housing Law; reasonable accommodations, disability-related requests for parking.**

Provides that for the purposes of the Virginia Fair Housing Law, when a person receives a request for accessible parking to accommodate a disability, the person receiving the request shall treat such request as a request for reasonable accommodation.

### **HB 1981 Virginia Residential Landlord and Tenant Act; access to dwelling unit during certain emergencies.**

Provides that a tenant shall be deemed to have reasonable justification for declining to permit a landlord or managing agent to exhibit the tenant's dwelling unit for sale or lease if the tenant has reasonable concern for his own health, or the health of any authorized occupant, during a

state of emergency declared by the Governor in response to a communicable disease of public health threat and the tenant has provided written notice to the landlord informing the landlord of such concern. Requires the tenant in such circumstances to provide to the landlord or managing agent a video tour of the dwelling unit or other acceptable substitute for exhibiting the dwelling unit for sale or lease. Provides that during a state of emergency declared by the Governor in response to a communicable disease of public health threat a tenant may provide written notice to the landlord requesting that one or more nonemergency property conditions in the dwelling unit not be addressed in the normal course of business of the landlord due to such communicable disease of public health threat. Provides that in such case the tenant shall be deemed to have waived any and all claims and rights under the Virginia Residential Landlord and Tenant Act against the landlord for failure to address such nonemergency property conditions. Provides that when a tenant has provided notice that he does not want nonemergency repairs made during the state of emergency due to a communicable disease of public health threat, the landlord may nonetheless enter the dwelling unit, provided that the employees and agents sent by the landlord are wearing all appropriate personal protective equipment as required by law, (i) to do nonemergency repairs and maintenance with at least 7 days' written notice to the tenant and at a time consented to by the tenant, no more than once every six months, and (ii) if the landlord is required to conduct maintenance or an inspection pursuant to the agreement for the loan or insurance policy that covers the dwelling units.

**HB 2014 Virginia Residential Landlord and Tenant Act; landlord's acceptance of rent with reservation.**

Prohibits a landlord from accepting full payment of rent, as well as any damages, money judgment, award of attorney fees, and court costs, from a tenant and receiving an order of possession pursuant to an unlawful detainer action and proceeding with eviction, unless there are bases for the entry of an order of possession other than nonpayment of rent stated in the unlawful detainer action filed by the landlord. Under current law, a landlord may accept full or partial payment of all rent and receive an order of possession pursuant to an unlawful detainer action and proceed with eviction, provided that he has stated in a written notice to the tenant that any and all amounts owed to the landlord by the tenant, including payment of any rent, damages, money judgment, award of attorney fees, and court costs, would be accepted with reservation and would not constitute a waiver of the landlord's right to evict the tenant from the dwelling unit. Provides specific language that must be included within such notice, and requires a landlord who elects to seek possession of the dwelling unit to provide a copy of the notice to the court for service to the tenant along with the summons for unlawful detainer. Allows tenants to exercise the right of redemption in unlawful detainer actions an unlimited number of times except that a landlord with four or fewer rental dwelling units, or up to a 10 percent interest in four or fewer rental dwelling units, may limit a tenant's use of the right of redemption to once per lease period, provided that the landlord provides written notice of such limitation to the tenant. Under current law, tenants may only exercise the right of redemption once during any 12-month period of continuous residency in the dwelling unit, regardless of the term of the rental agreement or any renewal term of the rental agreement. Directs the Director of the Department of Housing and Community Development (Director) to develop a sample

termination notice to be maintained on the DHCD's (Department) website that includes language referencing acceptance of rent with reservation by a landlord following a breach of a lease by a tenant, and requires the Department to convene a stakeholder group to provide input to the Director regarding the development of such sample termination notice.

**HB 2046 Virginia Fair Housing Law; unlawful discriminatory housing practices.**

Prohibits any locality, its employees, or its appointed commissions from discriminating (i) in the application of local land use ordinances or guidelines, or in the permitting of housing developments, on the basis of race, color, religion, national origin, sex, elderliness, familial status, source of funds, sexual orientation, gender identity, military status, or disability; (ii) in the permitting of housing developments because the housing development contains or is expected to contain affordable housing units occupied or intended for occupancy by families or individuals with incomes at or below 80 percent of the median income of the area where the housing development is located or is proposed to be located; or (iii) by prohibiting or imposing conditions upon the rental or sale of dwelling units, provided that the provisions of this subsection shall not be construed to prohibit ordinances related to short-term rentals. The bill provides that it shall not be a violation of the Virginia Fair Housing Law if land use decisions or decisions relating to the permitting of housing developments are based upon considerations of limiting high concentrations of affordable housing. The bill also requires the Fair Housing Board, after determining the existence of an unlawful discriminatory housing practice and after consultation with the Attorney General, to immediately refer the matter to the Attorney General for civil action.

**HB 2053 Affordable & market-rate housing; DHCD to evaluate growing demand.**

Directs the Department of Housing and Community Development (Department) to convene a stakeholder advisory group to evaluate the construction of internal, attached, and detached accessory dwelling units as a strategy to address the Commonwealth's growing demand for affordable and market-rate housing. Requires the stakeholder advisory group to report its findings and recommendations, including legislative recommendations, to the Director of the Department, the Secretary of Commerce and Trade, the commissioners of the Virginia Housing Development Authority, and the Virginia Housing Commission no later than November 1, 2021.

**HB 2072 Virginia Good Neighbor Next Door program; VHDA shall report recommendations for creating Program.**

Requires the Virginia Housing Development Authority to report to the Governor, the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology, and the Virginia Housing Commission no later than July 1, 2022, on recommendations for the creation of a Virginia Good Neighbor Next Door program, similar to the Good Neighbor Next Door program administered by the U.S. Department of Housing and Urban Development, to provide financial incentives for law-enforcement officers, firefighters,

emergency medical services personnel, and teachers to purchase homes within designated revitalization areas in the localities in which they are employed.

**HB 2175 & SB 1327 Homeowners and tenants of manufactured home parks; housing protections, foreclosures, etc.**

Provides for various protections for homeowners and tenants of manufactured home parks, including (i) restricting the circumstances under which a court may order a person's primary residence to be sold to enforce a judgment lien; (ii) requiring localities to incorporate into their comprehensive plans strategies to promote manufactured housing as a source of affordable housing; (iii) requiring the Director of Housing and Community Development to develop a statement of tenant rights and responsibilities explaining in plain language the rights and responsibilities of tenants under the Virginia Manufactured Home Lot Rental Act; (iv) in the case of a deed of trust conveying owner-occupied residential real estate, prohibiting a trustee of such deed of trust from selling such property in a foreclosure sale without receiving an affidavit signed by the party that provided notice of the sale to the owner confirming that such notice was sent to the owner, with a copy of such notice attached to the affidavit; (v) in the case of a deed of trust conveying owner-occupied residential real estate, increasing the notice period for a foreclosure sale from 14 to 60 days and requiring such notice to provide the grantor with information regarding housing counseling; and (vi) requiring the landlord of a manufactured home park to provide tenants who own their manufactured home information about housing assistance and legal aid organizations. The bill also requires the Department of Housing and Community Development to convene a stakeholder group to assist in the development of the statement of tenant rights and responsibilities. The provisions of the bill related to the specifics of the notice that is required before a trustee can sell a property in a foreclosure sale have a delayed effective date of October 1, 2021.

**HB 2202 Elevator mechanic or accessibility mechanic, certain; exemption from certification.**

Provides that an individual is not required to be certified as an elevator mechanic or accessibility mechanic when working under the direct and immediate supervision of an elevator mechanic or certified accessibility mechanic who is certified in the specialty for which work is being performed.

**HB 2229 Virginia Residential Landlord and Tenant Act; responsibilities of real estate brokers, etc.**

Provides that if a dwelling unit used as a single-family residence is foreclosed upon and there is a tenant in such dwelling unit on the date of the foreclosure sale, if the successor in interest acquires the dwelling unit for the purpose of occupying such unit as his primary residence, the rental agreement terminates and the tenant is required to vacate the dwelling unit on a date not less than 90 days after receiving written notice. The bill also provides that if the successor in interest acquires the dwelling unit for any other purpose, the successor in interest acquires the dwelling unit subject to the rental agreement and is required to permit the tenant to occupy



the dwelling unit for the remaining term of the lease. Under current law, the foreclosure sale acts as a termination of the rental agreement by the owner, but the tenant is permitted to remain in possession of the dwelling unit as a month-to-month tenant on the terms of the terminated rental agreement until the successor owner gives a notice of termination of the month-to-month tenancy. The bill contains technical amendments.

**HB 2249 Virginia Residential Landlord and Tenant Act; landlord charges for security deposits.**

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 renter's insurance premiums. 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.

**HB 2320 & SB 1389 Real property; required disclosures for buyer to exercise due diligence, flood risk report.**

Requires the Real Estate Board to make available on its website a flood risk information form, the details of which are outlined in the bill. The bill also provides that an owner of residential real property located in the Commonwealth who has actual knowledge that the dwelling unit is a repetitive risk loss structure, as defined in the bill, shall disclose such fact to the purchaser on a form provided by the Real Estate Board on its website. The bill has a delayed effective date of January 1, 2022.

**HB 2330 Percentage of Income Payment Program and Fund; DHCD & DSS to adopt rules, etc., for adoption.**

Requires the Department of Social Services (the Department), in consultation with, as it deems necessary, the Department of Housing and Community Development, to adopt rules or establish guidelines for the adoption, implementation, and general administration of the Percentage of Income Payment Program (PIPP) and the Percentage of Income Payment Fund (Fund). The bill requires the PIPP to commence no later than March 1, 2022. The bill establishes the Fund for the purposes of implementing and administering the PIPP and related programs. The bill requires Dominion Energy Virginia and American Electric Power to cooperate with the requests of the Department and the State Corporation Commission (the Commission) in the implementation and administration of the PIPP. The Commission is required to promulgate any rules necessary to ensure that funds collected from each utility's universal service fee are directed to the Fund. The bill requires the Commission to initiate proceedings to provide for an annual true-up of the universal service fee within 60 days of the commencement of the PIPP and on an annual or semiannual basis thereafter. The bill provides that the PIPP may utilize



existing energy efficiency or related programs approved by the Commission. The bill authorizes the Department to determine what deficiencies exist in existing and available federal, state, local, or nonprofit programs to meet energy reduction obligations and to (i) make recommendations to the Commission or the utilities regarding such deficiency analysis and (ii) develop programs to address such deficiencies. The bill authorizes the Department to develop and implement non-utility energy efficiency programs and other programs for the reduction of energy use for eligible participants in the PIPP, provided that the Department engage in a stakeholder process and undertake a cost-benefit analysis in the development of any such programs. The bill requires that the Commission to make adjustments to the universal service fee as necessary to provide adequate funding for such programs. Additionally, the bill requires the Commission to initiate any proceedings to establish new energy efficiency or low-income programs proposed by a utility as necessary to provide service to PIPP participants over a timeframe to be determined by the Commission. The bill requires the Commission to issue an order providing for the non-bypassable universal service fee as soon as practicable following the bill's effective date.

**SB 1197 Virginia housing opportunity; tax credit established.**

Establishes, starting in taxable year 2021, a Virginia housing opportunity tax credit, which is equal to the amount of the federal low-income housing tax credit allocated or allowed by the Virginia Housing Development Authority to a low-income building that is eligible for the federal credit. The credit would be nonrefundable and could be carried forward for up to five years.

**SB 1398 Retail sales and transient occupancy taxes; room rentals.**

Provides that retail sales and hotel taxes on transient room rentals shall be computed on the basis of the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an intermediary to facilitate the sale of the room and the intermediary charges the customer for the room and such facilitation efforts, the bill requires the intermediary to separately state the taxes on the bill or invoice provided to the customer and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room. The bill requires an amount equal to the estimated state sales tax revenue generated from the tax on accommodations fees to be appropriated to the Virginia Tourism Authority each fiscal year to be used for promoting tourism.

**SJ 293 Assisted living and auxiliary grants; Joint Commission on Health Care to study available data.**

Requests the Joint Commission on Health Care to study available data regarding assisted living and auxiliary grants and develop a blueprint for implementing recommendations that will allow the Commonwealth to provide a more realistic system of addressing housing and care needs.

## **Elections & Redistricting**

### **HB 1810 Voter registration; failure of online voter registration system, deadline extension.**

Provides that in the event that a failure of the Virginia online voter registration system occurs prior to the close of registration records, the Governor has the authority to order the online voter registration system to be available for registration activities after the date for closing the registration records for a period of time equal to the amount of time during which the online voter registration system was unavailable for registration activities, rounded up to the nearest whole day, plus an additional day to allow for voter education efforts. The extension of registration activities shall apply to in-person registration and mail voter registration applications.

### **HB 1888 Absentee voting; procedural and process reforms, availability and accessibility reforms, penalty.**

Makes various reforms to absentee voting processes and procedures, including those related to availability and accessibility. The bill requires certain actions to be taken to process absentee ballots returned before the day of an election, including verifying the correct completion of the voter affirmation statement, and provides for an opportunity for an absentee voter to make corrections to the statement in certain circumstances. The bill requires the establishment of drop-off locations for the return of voted absentee ballots. Additionally, a central absentee voter precinct is required to be established in each locality; currently, establishment is optional. On the day of the election, officers of election are required to begin processing absentee ballots in the central absentee voter precincts prior to the close of polls, but no ballot vote counts are permitted to be transmitted outside of the central absentee voter precinct before the close of polls; a violation of such prohibition is a Class 1 misdemeanor. When reporting election results to the Department of Elections, the general registrars are required to report absentee ballots cast early in person separately from all other absentee ballots. Additionally, a voter who has applied for and received an absentee ballot may choose to instead vote at his polling place on election day, and such voter shall be entitled to cast a provisional ballot. The bill requires a ballot marking tool with screen reader assistive technology to be made available for absentee voters with a print disability. Restrictions on the availability of absentee voting for first-time voters who registered by mail are repealed. The bill contains technical amendments for organizational and readability purposes.

### **HB 1890 Discrimination; prohibited in voting and elections administration, etc.**

Prohibits any voting qualification or any standard, practice, or procedure related to voting from being imposed or applied in a manner that results in the denial or abridgment of the right of any United States citizen to vote based on his race or color or membership in a language minority group. The bill further prohibits at-large methods of election from being imposed or applied in a locality in a manner that impairs the ability of a protected class, defined in the bill,

to elect candidates of its choice or to influence the outcome of an election, by diluting or abridging the rights of voters who are members of a protected class. Prior to enacting or administering a covered practice, defined in the bill, the governing body of a locality is required to publish the proposed covered practice and accept public comment for a minimum of 30 days on the proposed covered practice; after the public comment period, a 30-day waiting period is required. During this period, any person who will be subject to or affected by the covered practice may challenge the covered practice as (i) having the purpose or effect of denying or abridging the right to vote on the basis of race or color or membership in a language minority group or (ii) resulting in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise. The bill permits the local governing body to instead submit the proposed covered practice to the Office of the Attorney General for issuance of a certification of no objection and, once such certification is issued, to enact or administer the covered practice. Certain unlawful actions, including knowingly communicating false information to voters, that are currently subject to criminal penalties will create civil causes of action under the bill. The bill authorizes the Attorney General to commence civil actions when there is reasonable cause to believe that a violation of an election law has occurred and the rights of any voter or group of voters have been affected by the violation. Civil penalties assessed as a result of such action are payable to the Voter Education and Outreach Fund, established by the bill. Current provisions related to language minority accessibility are moved to a newly created chapter relating to the rights of voters.

**HB 1921 Assistance for certain voters; curbside voting.**

Clarifies that any voter with a permanent physical disability, temporary physical disability, or injury is entitled to vote outside of the polling place. The bill further provides that during a declared state of emergency related to a communicable disease of public health threat, any voter is entitled to vote outside of the polling place. The bill requires that the area designated for voting outside of the polling place be clearly marked and instructions on how the voter is to notify an officer of election of his request to vote outside of the polling place be prominently displayed. The bill makes technical amendments for clarity and organizational purposes.

**HB 1968 Absentee voting; availability on Sundays in office of general registrar or voter satellite office.**

Permits the electoral board or general registrar of a county or city to provide absentee voting in person in the office of the general registrar or voter satellite office on Sundays.

**HB 2020 Nomination of candidates for elected offices; restrictions on nomination method selected.**

Provides that a method of nomination for elected office may not be selected if such method will have the practical effect of excluding participation in the nominating process by qualified voters who are unable to attend meetings because they are (i) a member of a uniformed service on active duty, (ii) temporarily residing outside of the United States, (iii) a student

attending a school or institution of higher education, (iv) a person with a disability, or (v) a person who has a communicable disease of public health threat or who may have come in contact with a person with such disease.. However, such restriction does not apply when selecting a candidate for a special election or nominating a candidate, or in the event that no candidate files the required paperwork by the prescribed deadline. The bill has a delayed effective date of January 1, 2024.

**HB 2081 Polling places; prohibited activities, unlawful possession of a firearm, penalty.**

Prohibits any person from knowingly possessing a firearm within 40 feet of any building, or part thereof, used as a polling place, including one hour before and one hour after its use as a polling place, except for (i) a qualified law-enforcement officer or retired law-enforcement officer, (ii) any person occupying his own private property that falls within 40 feet of the polling place, or (iii) a licensed armed security officer whose employment or performance of his duties occurs within 40 feet of the polling place. The bill further provides that no person shall knowingly possess a firearm within 40 feet of a meeting place for the local electoral board while the electoral board meets to ascertain the results of an election or any place used as the setting for a recount. A violation of the provisions of the bill is a Class 1 misdemeanor.

**HB 2125 Voter registration; preregistration for persons 16 years of age, effective date.**

Permits a person who is otherwise qualified to register to vote and is 16 years of age or older, but who will not be 18 years of age on or before the day of the next general election, to preregister to vote. The preregistration does not entitle such person to vote in any election except as already permitted by law. The bill requires the Department of Elections to maintain a record of all preregistered voters in the Virginia voter registration system, which shall automatically register a person who is preregistered upon that person reaching 18 years of age or becoming eligible for advance registration as already permitted by law, whichever comes first. The bill requires the Department to provide to the general registrars voter confirmation documents for such voters. The bill has a delayed effective date of October 1, 2022.

**HB 2198 Local elections for governing bodies, school boards, qualification of voters.**

Provides that in a locality that imposes district-based or ward-based residency requirements for members of the governing body or school board, the member elected from each district or ward is to be elected by the qualified voters of that district or ward and not by the locality at large. The bill has a delayed effective date of January 1, 2022.

**HJ 526 Comprehensive campaign finance reform; joint subcommittee to study.**

Establishes a joint subcommittee to study comprehensive campaign finance reform in the Commonwealth. In conducting its study, the joint subcommittee is tasked with examining the costs of campaigning in the Commonwealth, the effectiveness of the Commonwealth's present disclosure laws and their enforcement, the constitutional options available to regulate

campaign finances, and the desirability of specific revisions in the Commonwealth's laws, including the implementation of contribution limits, all with the aim of promoting the integrity of, and public confidence in, the Commonwealth's campaign finance system.

**SB 1097 Absentee voting; witness signature not required.**

Provides that a voter's failure to have a witness sign the absentee ballot envelope for any election held during a declared state of emergency related to a communicable disease of public health threat shall not be considered a material omission and shall not render the ballot void. The bill directs the Department of Elections to convene a work group to consider and evaluate alternatives to the witness signature requirement for election officials to use to verify that an absentee ballot was cast by the voter identified as having requested and received such ballot.

**SB 1111 Elections; preservation of order at the polls, powers of officers of election.**

Removes the power of officers of election, in the event that no law-enforcement officer is in attendance, to appoint a person who is not a law-enforcement officer to have all the powers of a law-enforcement officer within the polling place and the prohibited area.

**SB 1148 Elections; date of June primary election.**

Changes the date of the primary election held in June from the second Tuesday in June to the third Tuesday in June. Changes candidate filing deadlines to reflect the change of date.

**SB 1157 Municipal elections; shifting elections to November.**

Shifts all municipal elections for city and town council and school board from May to November, beginning with elections held after January 1, 2022.

**SB 1239 Absentee voting; third-party absentee ballot assembly and distribution.**

Permits a general registrar to contract with a third party for the printing, assembly, and mailing of absentee ballots. Directs the State Board of Elections to adopt emergency regulations to implement the provisions of the bill and for those regulations to include processes to ensure secure and timely delivery of voter information to contractors and reports of mailed absentee ballots from contractors.

**SB 1245 Absentee voting; establishment of drop-off locations preprocessing returned absentee ballots.**

Requires certain actions to be taken to process absentee ballots returned before the day of an election, including verifying the correct completion of the voter affirmation statement, and provides for an opportunity for an absentee voter to make corrections to the statement in certain circumstances. Requires the establishment of drop-off locations. A central absentee

voter precinct is required to be established in each locality; currently, establishment is optional. On the day of the election, officers of election are required to begin processing absentee ballots in the central absentee voter precincts prior to the close of polls, but no ballot vote counts are permitted to be transmitted outside of the central absentee voter precinct prior to the close of polls; a violation of such prohibition is a Class 1 misdemeanor. Requires a ballot marking tool with screen reader assistive technology to be made available for absentee voters with a print disability. The Department of Elections is to convene a work group to consider and evaluate methods for sorting and reporting absentee ballots by precincts.

**SB 1331 Absentee voting; accessibility for voters with a visual impairment or print disability.**

Requires the Department of Elections to make available to all localities a tool to allow voters with a visual impairment or print disability to electronically and accessibly receive and mark absentee ballots using screen reader assistive technology. On receipt of an application for an absentee ballot from an applicant who indicates that he will require assistance due to a visual impairment or print disability, the general registrar is required to offer to provide to the applicant the ballot marking tool with screen reader assistive technology.

**SB 1395 Discrimination; prohibited in voting and elections administration, etc.**

Prohibits any voting qualification or any standard, practice, or procedure related to voting from being imposed or applied in a manner that results in the denial or abridgment of the right of any United States citizen to vote based on his race or color or membership in a language minority group. The bill further prohibits at-large methods of election from being imposed or applied in a locality in a manner that impairs the ability of a protected class, defined in the bill, to elect candidates of its choice or to influence the outcome of an election, by diluting or abridging the rights of voters who are members of a protected class. Prior to enacting or administering a covered practice, defined in the bill, the governing body of a locality is required to publish the proposed covered practice and accept public comment for a minimum of 30 days on the proposed covered practice; after the public comment period, a 30-day waiting period is required. During this period, any person who will be subject to or affected by the covered practice may challenge the covered practice as (i) having the purpose or effect of denying or abridging the right to vote on the basis of race or color or membership in a language minority group or (ii) resulting in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise. The bill permits the local governing body to instead submit the proposed covered practice to the Office of the Attorney General for issuance of a certification of no objection and, once such certification is issued, to enact or administer the covered practice. Certain unlawful actions, including knowingly communicating false information to voters, that are currently subject to criminal penalties will create civil causes of action under the bill. The bill authorizes the Attorney General to commence civil actions when there is reasonable cause to believe that a violation of an election law has occurred and the rights of any voter or group of voters have been affected by the violation. Civil penalties assessed as a result of such action are payable to the Voter Education

and Outreach Fund, established by the bill. Current provisions related to language minority accessibility are moved to a newly created chapter relating to the rights of voters.

**SJ 272 Constitutional amendment; qualifications of voters and the right to vote (first reference).**

Provides that every person who meets the qualifications of voters set forth in the Constitution shall have the fundamental right to vote in the Commonwealth and that such right shall not be abridged by law, except for persons who have been convicted of a felony and persons who have been adjudicated to lack the capacity to understand the act of voting. A person who has been convicted of a felony shall not be entitled to vote during any period of incarceration for such felony conviction, but upon release from incarceration for that felony conviction and without further action required of him, he shall be invested with all political rights, including the right to vote. A person who has been adjudicated to lack the capacity to understand the act of voting shall not be entitled to vote during this period of incapacity until his capacity has been reestablished as prescribed by law.

### **Eminent Domain**

**SB 1270 Eminent domain; notice of intent to file certificate.**

Provides that the notice required to be sent to a landowner prior to an authorized condemnor recording a certificate of take or certificate of deposit shall state that (i) the certificate of take or certificate of deposit will be recorded between 30 and 45 days from the date of the notice and (ii) the property will transfer to the condemnor upon recordation and that the owner has the right to petition the court for distribution of the funds represented in the certificate.

### **FOIA**

**HB 1931 Virginia Freedom of Information Act; public body authorized to conduct electronic meetings.**

Authorizes a public body to conduct through electronic communication means a meeting for which, on or before the day of the meeting, a member of the public body holding the meeting notifies the chair that such member is unable to attend the meeting due to a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance. The bill also clarifies that participation in an electronic meeting by a member of a public body due to the inability to attend because of a personal matter is limited each calendar year to two such meetings, which is current law, or 25 percent of the meetings held that calendar year rounded up to the next whole number,



whichever is greater. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

**HB 2004 Virginia Freedom of Information Act; law-enforcement criminal incident information, criminal files.**

Adds criminal investigative files, defined in the bill, relating to a criminal investigation or proceeding that is not ongoing, also defined in the bill, to the types of law-enforcement and criminal records required to be released in accordance with the provisions of the Virginia Freedom of Information Act. Under current law, the release of criminal investigative files is discretionary. The bill provides that the mandatory release of criminal incident information relating to felony offenses and criminal investigative files shall not be required if the release of such information would likely effect certain results, outlined in the bill. The bill also extends the amount of additional time a public body has to respond, in the case of a request for certain criminal investigative files, from an additional seven work days to an additional 60 work days as long as the public body has communicated to the requester within the initial allowable five-work-day response period that it is not practically possible to provide the requested records or to determine whether they are available within the five-work-day period. The bill contains technical amendments. As introduced, this bill was a recommendation of the Virginia Freedom of Information Advisory Council.

**HB 2025 Virginia FOIA; record exclusion for personal contact information provided to a public body.**

Provides that personal contact information provided to a public body or any of its members for the purpose of receiving electronic communications from the public body or any of its members is excluded from the mandatory disclosure provisions of FOIA, unless the recipient of such electronic communications indicates his approval for the public body to disclose such information. Currently, the law provides protections for personal contact information provided to a public body, not to its members; only applies to electronic mail; and requires the electronic mail recipient to request the public body not to disclose his personal contact information in order for the information to be exempt from mandatory disclosure. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

**SB 1271 Virginia Freedom of Information Act; meetings held through electronic communication means.**

Allows a public body, or a joint meeting thereof, to meet by electronic communication means without a quorum of the public body physically assembled at one location when a locality in which the public body is located has declared a local state of emergency, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities. Under current law, public bodies may only meet in such manner when the



Governor has declared a state of emergency, and only for the purpose of addressing the emergency. Finally, the bill requires public bodies meeting through electronic communication means during a local or state declaration of a state of emergency to (a) make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the public body, and (b) provide the public with the opportunity to comment at such meetings when public comment is customarily received.

**SB 1343 Virginia Freedom of Information Act; proprietary records and trade secrets.**

Excludes from the mandatory disclosure provisions of the Virginia Freedom of Information Act proprietary information, voluntarily provided by a private business under a promise of confidentiality from a public body, used by the public body for a carbon sequestration agreement. Requires the business to specify the records for which protection is sought before submitting them to the public body and to state the reasons why protection is necessary.

## **Local Authority**

**HB 1778 Removal of clutter from property; definition, civil penalty.**

Provides that a locality may by ordinance require the removal of clutter from property, except on land zoned for or in active farming operation, or may, whenever the governing body deems it necessary, after reasonable notice, have such clutter removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected. Defines "clutter" as including mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of a community when they are left in public view for an extended period or are allowed to accumulate. Violations subject to the existing civil penalty applicable to violations of provisions relating to the removal of trash, garbage, refuse, litter, and similar substances from property.

**HB 1811 Virginia Public Procurement Act; preference for energy-efficient and water-efficient goods.**

Provides that in the course of procuring goods, if a public body receives two or more bids for products that are Energy Star certified, meet Federal Energy Management Program (FEMP) designated efficiency requirements, appear on FEMP's Low Standby Power Product List, or are WaterSense certified, such public body may only select among those bids.

**HB 1849 Apprenticeship training programs; DOLI, DGS, et al., shall review availability of programs.**

Directs the Virginia Board of Workforce Development (the Board), the Department of Labor and Industry (DOLI), and the Department of General Services (DGS) to review the availability of registered apprenticeship programs in the Commonwealth and evaluate the capacity to build a program that would require contractors engaged in construction contracts with public bodies to participate in apprenticeship training programs for each trade or classification of employees engaged in the construction contract. Requires the Board, DOLI, and DGS to evaluate whether a requirement to limit public procurements to bidders with registered apprenticeship programs would assist the construction industry in meeting its workforce needs. The bill permits the Board, DOLI, and DGS to convene a stakeholder advisory group as part of its review. Requires the Board, DOLI, and DGS to complete its review and complete any advisory group meetings by September 1, 2021, and to submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations no later than December 1, 2021.

**HB 1862 Employee protections; medicinal use of cannabis oil.**

Prohibits an employer from discharging, disciplining, or discriminating against an employee for such employee's lawful use of cannabis oil pursuant to a valid written certification issued by a practitioner for the treatment or to eliminate the symptoms of the employee's diagnosed condition or disease. The bill provides that such prohibition does not (i) restrict an employer's ability to take any adverse employment action for any work impairment caused by the use of cannabis oil or to prohibit possession during work hours or (ii) require an employer to commit any act that would cause the employer to be in violation of federal law or that would result in the loss of a federal contract or federal funding.

**HB 1903 Local government; authority to reduce the speed limit in a business district or residence district.**

Authorizes local governing bodies to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, in a business district or residence district.

**HB 1909 School board building or property, certain; establishment of gun-free zone permitted.**

Permits any school board to deem any non-school zone building or property that it owns or leases where employees of such school board are regularly present for the purpose of performing their official duties as a gun-free zone and prohibit any individual from knowingly possessing, purchasing, transferring, carrying, storing, or transporting firearms, ammunition, or components or combination thereof while such individual is upon such property, except certain individuals such as law-enforcement officers and qualified retired law-enforcement officers.

**HB 1919 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. The bill 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, depository bank, or nonprofit entity and requires the locality to hold a hearing and publish notice of the hearing in a newspaper of general circulation prior to establishing the green bank.

**HB 1963 Funding local health departments; cooperative local health budget, report.**

Provides that funding for local health departments shall consist of such state funds as may be allocated for the operation of the local health department together with local matching funds and estimated self-generated local service revenues, the total amount of which shall constitute the cooperative local health budget available to a local department of health, and that the amount of local matching funds for which a county or city is responsible shall be based on the county's or city's revenue generation capacity factor, as defined in the bill; in no case, however, shall the amount of local matching funds required be greater than 45 percent or less than 18 percent of the total amount of the cooperative local health budget for the local health department that serves the county or city, after deducting estimated self-generated local service revenues. The bill directs the Department of Health to biennially review the local matching fund amount for each county and city, determine whether such amount should be revised as a result of changes to the county's or city's revenue generation capacity, and report the results of such review and any recommendations for changes to a county's or city's local matching fund amount to the Governor and the General Assembly.

**HB 1969 Administration of blighted and derelict properties; modifies definition of "qualifying locality."**

Modifies the definition of "qualifying locality" to include any locality with a score of 100 or higher on the fiscal stress index, as published by the Department of Housing and Community Development in July 2020. Under current law, a qualifying locality is one with a score of 107 or higher on the fiscal stress index, as published by the Department using revised data for 2017. Qualifying localities are able to (i) classify blighted and derelict properties as a separate class of taxable property and assess such property at a higher rate and (ii) sell delinquent tax lands six months after the locality has incurred abatement costs for buildings that have been condemned, constitute a nuisance, are a derelict building, or are declared to be blighted. The bill adds qualifying localities to the list of localities that have different requirements for having a special commissioner appointed to convey tax-delinquent real estate to the locality in lieu of a public sale at auction.

**HB 2031 Facial recognition technology; authorization of use by local law-enforcement agencies, etc.**

Provides that no local law-enforcement agency or campus police department shall purchase or deploy facial recognition technology, defined in the bill, unless such purchase or deployment is

expressly authorized by statute. The bill prohibits a local law-enforcement agency or campus police department at a public institution of higher education currently using facial recognition technology from continuing to use such technology without such authorization after July 1, 2021.

**HB 2063 Virginia Overtime Wage Act; overtime compensation employees, definitions, penalties.**

Requires an employer to compensate its employees who are entitled to overtime compensation under the federal Fair Labor Standards Act at a rate not less than one and one-half times the employee's regular rate of pay, defined in the bill, for any hours worked in excess of 40 hours in any one workweek. The bill includes provisions for calculating overtime premiums due to fire protection and law-enforcement employees by certain public sector employers. The penalties provided by the bill for an employer's failure to pay such overtime wages, including civil and criminal penalties, are the same as currently provided for failing to pay wages generally. The statute of limitations for bringing a claim for a violation of the bill is three years.

**HB 2085 Emergency Services and Disaster Law; local and interjurisdictional emergency operations plans.**

Requires local and interjurisdictional agencies to include provisions in their emergency operations plans to ensure that such plans are applied equitably and that the needs of minority and vulnerable communities are met during emergencies.

**HB 2131 Alcoholic beverage control; license application, locality input.**

Adds the chief administrative officer of a locality to the list of persons who may be sent notice of certain license applications by the Board of Directors of the Virginia Alcoholic Beverage Control Authority. The bill also expands the definition of "criminal blight" for which the locality may require a property owner to take corrective action to include a condition existing on real property that endangers public health or safety and is caused by (i) the regular presence on the property of persons in possession of controlled substances and (ii) the discharge of a firearm under certain conditions.

**HB 2217 Public access authorities; granted certain liability protections.**

Grants public access authorities, including the land holdings and facilities of such authorities, certain liability protections that are currently given to localities in relation to parks, recreational facilities, and playgrounds.

**HB 2266 & SB 1471 Alcoholic beverage control; designated outdoor refreshment area license.**

Renames the "local special events" license as the "designated outdoor refreshment area" license. The bill allows the Board of Directors of the Virginia Alcoholic Beverage Control

Authority to increase the frequency and duration of events held under such license after adoption of an ordinance by a locality requesting such increase in frequency and duration. Under current law, localities are limited to holding 16 events per year under such license, with each event lasting no more than three consecutive days, except during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity. The bill also increases the state and local license fees for designated outdoor refreshment area licenses issued pursuant to a local ordinance.

**SB 1120 County executive form of government; local budgets.**

Provides that a county that has adopted the county executive form of government (Albemarle and Prince William Counties) may carry over unspent funds from year to year for multiyear capital projects and outstanding grants without having to reappropriate the funds. This bill is identical to HB 1949 (2021 Regular Session).

**SB 1148 Elections; date of June primary election.**

Changes the date of the primary election held in June from the second Tuesday in June to the third Tuesday in June. Changes candidate filing deadlines to reflect the change of date.

**SB 1208 Continuity of government; extends period of time that locality may provide after disaster, etc.**

Extends from six to 12 months the period of time after an enemy attack or other disaster that a locality may, by ordinance, provide for a method to assure continuity in its government and requires the ordinance to provide a method for the locality to resume normal governmental authority by the end of that 12-month period.

**SB 1225 Broadband services; school boards to appropriate funds for expansion of services for education.**

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.

**SB 1418 Commonwealth's Development Opportunity Fund; grants, waiver or reduction of capital investment.**

Provides that, for grants from the Commonwealth's Development Opportunity Fund, capital investment and local match requirements may be reduced or waived based on the creation of telework jobs that pay an average wage of at least 1.2 times the Virginia minimum wage.

## **Local Revenues**

### **HB 1774 Tangible personal property taxes; classification of certain motor vehicles, trailers, & semitrailers.**

Provides that the separate class of property for rate purposes that includes motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used by a motor carrier engaged in interstate commerce on a for-hire basis shall also include such vehicles used to transport passengers. Under current law, this class of property only includes such vehicles if they are used to transport property.

### **HB 1916 & SB 1112 Research and development tax credits.**

Provides that the research and development expenses tax credit and the major research and development expenses tax credit shall be available against the bank franchise tax for taxable years beginning on and after January 1, 2021. Under current law, the credits are available only against the individual and corporate income tax.

### **HB 1999 Tax Commissioner; waiver of accrual of interest in the event that Gov. declares state of emergency.**

Authorizes the Tax Commissioner to waive interest for any class of taxpayers when he finds that imposing interest has caused, or would cause, undue hardship to such class of taxpayers because of a natural disaster or other reason. The bill allows the Tax Commissioner to grant such waiver only if the Governor declares a state of emergency in the Commonwealth with respect to such natural disaster or other reason.

### **HB 2006 & SB 1201 Energy storage systems; definitions, tax exemption, revenue share for systems.**

Declares that energy storage systems are included in the definition of certified pollution control equipment and facilities, making energy storage systems exempt from state and local taxation. The bill defines "energy storage system" as equipment, facilities, or devices that are capable of absorbing energy, storing it for a period of time, and redelivering that energy after it has been stored. The tax exemption applies only to certain projects with alternating current (AC) storage capacity of more than five megawatts and less than 150 megawatts. The bill also allows localities to assess a revenue share of up to \$1400 per megawatt on energy storage systems. The bill provides that on July 1, 2026, and every five years thereafter, the maximum amount of the revenue share that a locality may impose on energy storage systems as well as certain solar

energy projects shall be increased by 10 percent. No increase may be made to any revenue share imposed by a locality on a solar energy project or energy storage systems for which an application has been filed with the locality and such application has been approved prior to January 1, 2021. The bill defines energy storage systems as electric suppliers whose property shall be assessed by the State Corporation Commission.

**HB 2165 Tax delinquent property; sale of land for delinquent taxes.**

Extends from 36 to 60 months the time period for which a local tax official may suspend an action for the sale of tax delinquent property, which under current law is authorized if the owner enters into an agreement with the official to pay delinquent taxes in installments. Authorizes an official to suspend an action if a person who is not a party to the action gives notice asserting ownership rights, by virtue of testate or intestate succession, in the property subject to the action. If a court determines such person has ownership rights in the property, such person may enter into an installment plan similar to what is authorized under current law. Provides that a final court order confirming sale of tax delinquent property shall not be entered sooner than the later of (i) 90 days after the official gives notice of the action or (ii) 90 days after the official receives notice from a person who is not a party to the action asserting ownership rights.

**HB 2185 & SB 1403 Retail Sales and Use Tax; exemption for personal protective equipment.**

Establishes a retail sales and use tax exemption for personal protective equipment, defined in the bill. Exemption is available to any business that has in place a COVID-19 safety protocol that complies with the Emergency Temporary Standard promulgated by the Virginia Department of Labor and Industry and that meets other criteria. Exemption sunsets on the first day following the expiration of the last executive order issued by the Governor related to the COVID-19 pandemic and the termination of the COVID-19 Emergency Temporary Standard and any permanent COVID-19 regulations adopted by the Virginia Safety and Health Codes Board.  
EMERGENCY

**HB 2273 Data centers; sales and use tax exemption, clarifies "distressed locality", report.**

Reduces to four new jobs, for purposes of qualifying for the sales and use tax exemption for data centers, the job creation requirement for a data center in a distressed locality. Under current law, such data centers must create at least 25 new jobs. Lowers the amount of investment needed to qualify for the exemption from \$150 million to \$1.9 million for data centers that qualify for the reduced jobs requirement. Redefines what criteria are used to identify a distressed locality such that a locality qualifies as distressed if it has an unemployment rate that is greater than the statewide unemployment rate and it also has a poverty rate that exceeds the statewide poverty rate. Requires all data centers claiming the exemption to submit an annual report detailing certain information to the Virginia Economic Development Partnership Authority (the Authority). Requires the Department of Taxation (the Department), in collaboration with the Authority to publish a biennial report on the exemption.

Report shall not include in any unaggregated or other information that could be used to identify a business or individual.

**HB 2308 Veterans of Foreign Wars, American Legion, etc.; quantity of land certain associations may hold.**

Increases from 75 to 200 the number of acres of land that any association or post of the Veterans of Foreign Wars, American Legion, Spanish War Veterans, Disabled American Veterans, or any similar association of veterans of the Armed Forces of the United States chartered by an act of Congress may hold. Provides that any such property in excess of 75 acres shall not be exempt from taxation unless an ordinance to that effect is adopted by the governing body of the locality in which the property is located.

**HB 2312 & SB 1406 Marijuana; legalization of simple possession, etc.**

Eliminates criminal penalties for simple possession of up to one ounce of marijuana by persons 21 years of age or older, modifies several other criminal penalties related to marijuana, and imposes limits on dissemination of criminal history record information related to certain marijuana offenses. The bill creates the Virginia Cannabis Control Authority (the Authority) and establishes a regulatory and licensing structure for the cultivation, manufacture, wholesale, and retail sale of retail marijuana and retail marijuana products, to be administered by the Authority. The bill contains social equity provisions that, among other things, provide support and resources to persons and communities that have been historically and disproportionately affected by drug enforcement. The bill has staggered effective dates and numerous provisions of the bill are subject to reenactment by the 2022 Session of the General Assembly.

**HB 2322 & SB 1469 Opioid Abatement Authority; established, report.**

Establishes the Opioid Abatement Authority. The Authority, with the assistance of the Attorney General, would administer the Opioid Abatement Fund, which receives moneys from settlements, judgments, verdicts, and other court orders relating to claims regarding the manufacturing, marketing, distribution, or sale of opioids and other funds received on the fund's behalf that would be used to provide grants and loans to Virginia agencies and certain localities for the purpose of treating, preventing, or reducing opioid use disorder and the misuse of opioids or otherwise abating/remediating the opioid epidemic in the Commonwealth.

**SB 1119 Law-enforcement agencies; body-worn camera systems.**

Creates a special nonreverting fund to be known as the Body-Worn Camera System Fund to assist state or local law-enforcement agencies with the costs of purchasing, operating, and maintaining body-worn camera systems.

**SB 1130 Personal property tax; exemption for motor vehicle of a 100 percent disabled veteran.**



Provides that one motor vehicle of a veteran who has a 100 percent service-connected, permanent, and total disability shall be exempt from local taxes. This bill is the enabling legislation for a constitutional amendment ratified by the voters of the Commonwealth at the November 2020 general election.

**SB 1219 Paid family and medical leave; SCC's Bureau of Insurance to review and make recommendations, report.**

Directs the State Corporation Commission's Bureau of Insurance (the Bureau) to review and make policy recommendations to meet the goals identified in the "Paid Family and Medical Leave Study" published by the Offices of the Secretary of Commerce and Trade and the Chief Workforce Development Advisor in September 2020 as part of a statewide paid family and medical leave program to be administered by the Commonwealth. The bill requires the Bureau to convene a stakeholder group to participate in the process, which is required to include representatives from the insurance industry and the business community, labor organizations, advocates for paid family leave, and other interested parties. The bill requires the Bureau to report its findings and recommendations to the Senate Committees on Commerce and Labor and Finance and Appropriations and the House Committees on Labor and Commerce and Appropriations by November 30, 2021.

**SB 1326 Local cigarette taxes; regional cigarette tax boards.**

States that it is the policy of the Commonwealth, where practical, to encourage local cigarette stamping and tax collection to be accomplished through regional cigarette tax boards, defined in the bill. The bill directs the Department of Taxation to establish a task force to develop methods for modernizing the local cigarette tax collection system and provide assistance as appropriate to localities seeking to form new regional cigarette tax boards.

**SB 1398 Retail sales and transient occupancy taxes; room rentals.**

Provides that retail sales and hotel taxes on transient room rentals shall be computed on the basis of the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an intermediary to facilitate the sale of the room and the intermediary charges the customer for the room and such facilitation efforts, the bill requires the intermediary to separately state the taxes on the bill or invoice provided to the customer and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room. The bill requires an amount equal to the estimated state sales tax revenue generated from the tax on accommodations fees to be appropriated to the Virginia Tourism Authority each fiscal year to be used for promoting tourism.

**SB 1423 Data centers; sales and use tax exemption, clarifies "distressed locality", report.**

Reduces the job creation requirement to qualify for the sales and use tax exemption for data centers in a distressed locality from 25 to 15 jobs. Under current law, such data centers must create at least 25 new jobs. The bill also redefines what criteria are used to identify a distressed locality; under the bill, a locality qualifies as distressed if it has an unemployment rate that is greater than the statewide unemployment rate and a poverty rate that exceeds the statewide poverty rate. The bill requires all data centers claiming the exemption to report certain information to the Virginia Economic Development Partnership Authority (the Authority). The Department of Taxation, in collaboration with the Authority, would aggregate and publish such information biennially.

## State Revenues

### **HB 1751 Peanuts; extends sunset date of excise tax on all peanuts grown in Virginia.**

Extends from July 1, 2021, to July 1, 2026, the sunset date of the excise tax on all peanuts grown in Virginia and reduces from \$0.30 per 100 pounds to \$0.25 per 100 pounds the excise tax rate. Proceeds from this tax are used for promoting the sales and use of Virginia peanuts.

### **HB 1935 Income tax, state; conformity with the Internal Revenue Code.**

Advances Virginia's date of conformity with the Internal Revenue Code from December 31, 2019, to December 31, 2020. The bill adds exceptions to such conformity for suspension of the overall limitation on itemized deductions and the reduction in the medical expense deduction floor for taxable year 2017 and taxable years on and after January 1, 2019, and for the provisions of the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) related to the net operating loss limitation and carryback, a loss limitation applicable to taxpayers other than corporations, and the limitation on business interest. The bill also includes an individual income tax deduction in taxable year 2020 for business expenses funded with forgiven Paycheck Protection Program loans up to \$25,000 and an individual income tax subtraction in taxable year 2020 for up to \$25,000 in Rebuild Virginia grants.

### **HB 2006 & SB 1201 Energy storage systems; definitions, tax exemption, revenue share for systems.**

Declares that energy storage systems are included in the definition of certified pollution control equipment and facilities, making energy storage systems exempt from state and local taxation. The bill defines "energy storage system" as equipment, facilities, or devices that are capable of absorbing energy, storing it for a period of time, and redelivering that energy after it has been stored. The tax exemption applies only to certain projects with alternating current (AC) storage capacity of more than five megawatts and less than 150 megawatts. The bill also allows localities to assess a revenue share of up to \$1400 per megawatt on energy storage systems. The bill provides that on July 1, 2026, and every five years thereafter, the maximum amount of the revenue share that a locality may impose on energy storage systems as well as certain solar

energy projects shall be increased by 10 percent. No increase may be made to any revenue share imposed by a locality on a solar energy project or energy storage systems for which an application has been filed with the locality and such application has been approved prior to January 1, 2021. The bill defines energy storage systems as electric suppliers whose property shall be assessed by the State Corporation Commission.

**HB 2273 Data centers; sales and use tax exemption, criteria, report.**

Reduces to four new jobs, for purposes of qualifying for the sales and use tax exemption for data centers, the job creation requirement for a data center in a distressed locality. Under current law, such data centers must create at least 25 new jobs. The bill lowers the amount of investment needed to qualify for the exemption from \$150 million to \$1.9 million for data centers that qualify for the reduced jobs requirement. The bill also redefines what criteria are used to identify a distressed locality such that a locality qualifies as distressed if it has an unemployment rate that is greater than the statewide unemployment rate and it also has a poverty rate that exceeds the statewide poverty rate. The bill requires all data centers claiming the exemption to submit an annual report detailing certain information to the Virginia Economic Development Partnership Authority (the Authority). Finally, the requires the Department of Taxation (the Department), in collaboration with the Authority to publish a biennial report on the exemption. Such report by the Department shall not include any unaggregated or other information that could be used to identify a business or individual.

**HB 2293 Local gas severance tax; extends sunset date.**

Extends the sunset date from January 1, 2022, to January 1, 2024, for authority to impose an additional local gas severance tax that is dedicated to (i) the local Coal and Gas Road Improvement Fund; (ii) the Virginia Coalfield Economic Development Fund; and (iii) water, sewer, and natural gas systems and lines.

**HJ 567 Income tax, state; JLARC to study increasing the progressivity of Virginia's system.**

Directs the Joint Legislative Audit and Review Commission to study increasing the progressivity of Virginia's individual income tax system to make it more progressive and fair in response to economic dynamics.

**SB 1146 Income tax, state; conformity with the Internal Revenue Code.**

Advances Virginia's date of conformity with the Internal Revenue Code from December 31, 2019, to December 31, 2020. The bill deconforms from the suspension of the overall limitation on itemized deductions and the reduction in the medical expense deduction floor for taxable year 2017 and taxable years on and after January 1, 2019, and from the provisions of the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) related to the net operating loss limitation and carryback, a loss limitation applicable to taxpayers other than corporations, the limitation on business interest, and certain loan forgiveness and other

business financial assistance. The bill provides an individual and corporate income tax deduction or subtraction, as applicable, of up to \$100,000 for Rebuild Virginia grants and certain amounts related to Paycheck Protection Program loans.

**SB 1163 Agricultural equipment; establishes a refundable individual and corporate income tax credit.**

Establishes for taxable years 2021 through 2025 a refundable individual and corporate income tax credit for 25 percent of expenditures, up to a maximum of \$17,500, made for the purchase of conservation tillage and precision agriculture equipment certified by the Virginia Soil and Water Conservation Board as reducing soil compaction or improving precision of pesticide and fertilizer application or injection. The bill expires the existing individual and corporate income tax credits for conservation tillage equipment and purchase of advanced technology pesticide and fertilizer application equipment after taxable year 2020. Under current law, an individual or corporate taxpayer is allowed nonrefundable credits of up to \$4,000 for conservation tillage equipment purchases and up to \$3,750 for advanced technology pesticide and fertilizer application equipment purchases, which credits may be carried over for five years.

**SB 1423 Data centers; sales and use tax exemption, identifying a "distressed locality."**

Reduces the job creation requirement to qualify for the sales and use tax exemption for data centers in a distressed locality from 25 to 15 jobs. Under current law, such data centers must create at least 25 new jobs. Redefines what criteria are used to identify a distressed locality; under the bill, a locality qualifies as distressed if it has an unemployment rate that is greater than the statewide unemployment rate and a poverty rate that exceeds the statewide poverty rate. Requires all data centers claiming the exemption to report certain information to the Virginia Economic Development Partnership Authority (the Authority). Department of Taxation, in collaboration with the Authority, would aggregate and publish information biennially.

## **Adult Mental Health**

**HB 1808 & SB 1154 Behavioral Health and Developmental Services, Commissioner of; reports to designated protection.**

Requires the Commissioner of Behavioral Health and Developmental Services (the Commissioner) to add written reports of the facts of alleged serious incidents, deaths, abuse, or neglect of individuals receiving services in programs operated or licensed by the Department of Behavioral Health and Developmental Services (the Department) to the list of reports the Commissioner must provide to the Director of the Commonwealth's designated protection and advocacy system. Currently, the Commissioner is required to provide reports of critical injuries involving, or deaths of individuals receiving, services in facilities and reports of serious injuries

to or deaths of individuals receiving services in programs operated or licensed by the Department to the Director of the Commonwealth's designated protection and advocacy system.

**HB 1831 Home care organizations; personal care services by audio-video communication.**

Directs the Board of Health to include in regulations governing home care organizations a provision for supervision of home care attendants providing personal care services by a licensed nurse through use of interactive audio or video technology.

**HB 1848 Virginia Human Rights Acts; adds discrimination on the basis of disability.**

Adds discrimination on the basis of disability as an unlawful discriminatory practice under the Virginia Human Rights Act. The bill also requires employers, defined in the bill, to make reasonable accommodation to the known physical and mental impairments of an otherwise qualified person with a disability, if necessary to assist such person in performing a particular job, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer. The bill also prohibits employers from taking any adverse action against an employee who requests or uses a reasonable accommodation, from denying employment or promotion opportunities to an otherwise qualified applicant or employee because such employer will be required to make reasonable accommodation to the applicant or employee, or from requiring an employee to take leave if another reasonable accommodation can be provided to the known limitations related to the disability.

**HB 1873 & SB 1421 Brain injury; clarifies definition.**

Eliminates the requirement that an injury occur before the age of 65 to constitute a brain injury as that term is used in the context of licensure of private providers of behavioral health services.

**HB 1874 Behavioral health; assessments in local correctional facilities, report.**

Requires the Board of Local and Regional Jails (the Board) to include in its minimum standards for behavioral health services in local correction facilities requirements for (i) referral of individuals committed to local correctional facilities for whom a behavioral health screening indicates reason to believe the person may have mental illness to a behavioral health service provider for a behavioral health assessment and (ii) in cases in which there is reason to believe an individual is experiencing acute mental health distress or is at risk for suicide, (a) staff of the local correctional facility to consult with the behavioral health service provider to implement immediate interventions and to provide ongoing monitoring to ensure the safety of the individual and (b) the behavioral health assessment to be completed within 72 hours of completion of the behavioral health screening unless the 72-hour period ends on a Saturday, Sunday, or legal holiday, in which case the assessment shall be completed by the close of business on the next working day. The bill requires the Board to (1) review the behavioral

health screening and assessment process for individuals committed to local correctional facilities, (2) identify barriers to ensuring that all behavioral health assessments are completed within 72 hours of the behavioral health screening, (3) develop recommendations for addressing such barriers, and (4) report its findings and recommendations to the Secretary of Public Safety and Homeland Security and the Chairmen of the House Committees on Health, Welfare and Institutions and Public Safety and the Senate Committee on Rehabilitation and Social Services by October 1, 2021.

**HB 1884 Income tax, state; voluntary inclusion of personal & contact information on appropriate forms.**

Directs the Department of Taxation to include space on the appropriate individual income tax forms for voluntary inclusion of personal and contact information. Such information may be shared with the Department of Medical Assistance Services, the Department of Social Services, or the Virginia Health Benefit Exchange, as applicable, for use in determining eligibility for certain programs. Beginning with tax year 2022, the Department of Taxation shall also include a checkoff box for taxpayers to indicate their consent to the sharing of tax information with the Department of Medical Assistance Services and the Department of Social Services. Beginning with tax year 2023, there shall also be included a checkoff box for taxpayers to indicate their consent to the sharing of tax information with the Virginia Health Benefit Exchange. The bill contains provisions allowing disclosure of such information in accordance with the act. The bill also directs the Virginia Health Benefit Exchange to, in consultation with other government agencies and stakeholders, identify systems, policies, and practices to facilitate eligibility determinations and enrollment.

**HB 2008 & SB 1269 Health insurance; authorization of drug prescribed for the treatment of a mental disorder.**

Requires that any provider contract between a carrier and a participating health care provider with prescriptive authority, or its contracting agent, contain provisions that require, when a carrier has previously approved prior authorization for any drug prescribed for the treatment of a mental disorder listed in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, no additional prior authorization can be required if (i) the drug is a covered benefit; (ii) the prescription does not exceed the U.S. Food and Drug Administration-labeled dosages; (iii) the prescription has been continuously issued for no fewer than three months; and (iv) the prescriber performs an annual review of the patient to evaluate the drug's continued efficacy, changes in the patient's health status, and potential contraindications. The bill provides that this requirement does not prohibit a carrier from requiring prior authorization for any drug that is not listed on its prescription drug formulary at the time the initial prescription is issued. The bill also requires that such provider contracts contain provisions requiring a carrier to honor a prior authorization issued by the carrier for a drug regardless if the drug is removed from the carrier's prescription drug formulary after the initial prescription for that drug is issued. Under

the bill, provisions related to provider contracts and prior authorization shall apply to the state insurance health plan.

**HB 2018 & SB 1297 Emergency order for adult protective services; acts of violence, etc., or financial exploitation.**

Allows the circuit court, upon a finding that an incapacitated adult has been, within a reasonable period of time, subjected to an act of violence, force, or threat or been subjected to financial exploitation, to include in an emergency order for adult protective services one or more of the following conditions to be imposed on the alleged perpetrator: (i) a prohibition on acts of violence, force, or threat or criminal offenses that may result in injury to person or property; (ii) a prohibition on such other contacts by the alleged perpetrator with the adult or the adult's family or household members as the court deems necessary for the health and safety of such persons; or (iii) such other conditions as the court deems necessary to prevent (a) acts of violence, force, or threat; (b) criminal offenses that may result in injury to persons or property; (c) communication or other contact of any kind by the alleged perpetrator; or (d) financial exploitation by the alleged perpetrator. The bill provides that any person who violates any such condition is guilty of a Class 1 misdemeanor. Also, the bill provides that hearings on emergency orders for adult protective services shall be held no earlier than 24 hours and no later than 72 hours after the notice required has been given, unless such notice has been waived by the court. Current law just requires such hearing be held no earlier than 24 hours. Lastly, the bill provides that if the court enters an order containing any of the aforementioned conditions, the primary law-enforcement agency providing service and entry of protective orders shall enter the name of the perpetrator into the Virginia Criminal Information Network and the order shall be served forthwith on the perpetrator.

**HB 2047 Criminal proceedings; consideration of mental condition and intellectual, etc.**

Permits the admission of evidence concerning a defendant's mental condition at the time of an alleged offense, including expert testimony, if such evidence (i) tends to show the defendant did or did not have the specific mental state required for the offense charged and (ii) is otherwise admissible pursuant to the general rules of evidence. The bill provides that to establish a mental condition for such purposes, the defendant must show that his condition existed at the time of the offense and that such condition satisfies the diagnostic criteria for (a) an autism spectrum disorder as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association or (b) an intellectual or developmental disability. If a defendant intends to present such evidence, the bill requires him or his counsel to give notice in writing to the attorney for the Commonwealth within specified time periods. The bill also clarifies that a diagnosis of an intellectual or developmental disability shall be considered by a judicial officer for the purpose of rebuttal of a presumption against bail and that a court may order that a sentencing report prepared by a probation officer contain any diagnosis of an intellectual or developmental disability. The bill also adds to the requirements to be met for qualification as a court-appointed attorney two hours of continuing legal education, which shall cover the representation of individuals with



behavioral or mental health disorders and individuals with intellectual or developmental disabilities.

**HB 2070 Community services boards; contracts with private providers.**

Clarifies that community services boards may enter into contracts with private providers for delivery of mental health, developmental, and substance abuse services.

**HB 2092 DBHDS; background checks, persons providing contractual services.**

Requires background checks for contract staff providing direct care services for Department of Behavioral Health and Developmental Services' licensed services. The bill also sets out the barrier crimes for any person who provides contractual services directly to an individual receiving services on behalf of a licensed provider.

**HB 2098 & SB 1429 Southwestern Va. Mental Health Institute; Governor to lease a portion of property to Smyth County.**

Authorizes the Governor to lease a portion of property previously used by the Department of Behavioral Health and Developmental Services as the Southwestern Virginia Mental Health Institute to Smyth County in as-is condition for a term of three years upon such terms and conditions as may be agreed by the parties, including, without limitation, Smyth County's responsibility for building or infrastructure refurbishments and operational expenses. Corrects tax map references from a 2019 conveyance of property in Smyth County.

**HB 2140 Alternative application for employment for persons with a disability; DHRM to create a process.**

Directs the Department of Human Resource Management to create an alternative application process for the employment of persons with a disability. The process must be noncompetitive in nature and provide state agencies using the process an option for converting positions filled through the noncompetitive process into positions that are normally filled through a competitive process. The bill directs the Department of Human Resource Management to develop and disseminate a policy to implement the provisions of the bill.

**HB 2166 Involuntary admission; provisions governing involuntary inpatient & mandatory outpatient treatment.**

Amends provisions governing involuntary inpatient and mandatory outpatient treatment to (i) revise criteria for entry of a mandatory outpatient treatment order to become effective upon expiration of an order for involuntary inpatient treatment; (ii) eliminate the requirement that a person agree to abide by a mandatory outpatient treatment plan to be eligible for mandatory outpatient treatment and instead require that the judge or special justice find that the person is



able to adhere to a mandatory outpatient treatment plan; (iii) eliminate the role of a treating physician in determining when a person is eligible to transition from inpatient to mandatory outpatient treatment under an order for mandatory outpatient treatment following a period of involuntary inpatient treatment; (iv) increase from 90 to 180 days the length of an order for mandatory outpatient treatment; (v) revise requirements for monitoring of a person's adherence to a mandatory outpatient treatment plan by a community services board; (vi) expand the category of persons who may file petitions for various reviews of a mandatory outpatient treatment order or plan; and (vii) add a provision for status hearings during the period of mandatory outpatient treatment. Delayed effective date of July 1, 2022.

**HB 2230 Supported decision-making agreements; DBHDS to develop and implement a program, etc.**

Directs the Department of Behavioral Health and Developmental Services (the Department) to develop and implement a program to educate individuals with intellectual and developmental disabilities, their families, and others regarding the availability of supported decision-making agreements, the process by which an individual with an intellectual or developmental disability may enter into a supported decision-making agreement with a supporter, and the rights and responsibilities of principals and supporters who are parties to a supported decision-making agreement, which shall include specific training opportunities, development of model supported decision-making agreements, and development of information about and protocols for preventing, identifying, and addressing abuse and exploitation of individuals with intellectual and developmental disabilities who enter into supported decision-making agreements. The bill directs the Department to collect data regarding the utilization of supported decision-making agreements in the Commonwealth and report such information, together with recommendations to enhance the utilization of supported decision-making agreements, annually to the Governor and the General Assembly by November 1.

**HB 2236 Behavioral health docket; transfer of supervision.**

Provides that if an offender determined to be eligible to participate in a behavioral health docket resides in a locality other than that in which the behavioral health docket is located, or such offender desires to move to a locality other than that in which the behavioral health docket is located, and the court determines it is practicable and appropriate, the supervision of such offender may be transferred to a supervising agency in the new locality. The bill states that if the receiving agency accepts the transfer, it shall confirm in writing that it can and will comply with all of the conditions of supervision of the behavioral health docket, including the frequency of in-person and other contact with the offender and updates from the offender's treatment providers and that if the receiving agency cannot comply with the conditions of supervision, the agency shall deny the transfer in writing and the sending agency shall notify the court. The bill also provides that where supervision is transferred, the sending agency shall be responsible for providing to the court reports on an offender's conduct, treatment, and compliance with the conditions of supervision. Additionally, the bill provides that the standards prescribed by the Department of Criminal Justice Services for the development,

implementation, operation, and evaluation of local community-based probation services and facilities shall include standards for the transfer of supervision between local community-based probation agencies.

**HB 2300 Hospitals; emergency treatment for substance use-related emergencies.**

Requires each hospital with an emergency department that is currently regulated by the State Board of Health (the Board) to establish a protocol for treatment and discharge of individuals experiencing a substance use-related emergency, which shall include provisions for (i) appropriate screening and assessment of individuals experiencing substance use-related emergencies and (ii) recommendations for follow-up care, which may include dispensing of naloxone or other opioid antagonist used for overdose reversal, issuance of a prescription for naloxone, and information about accessing naloxone at a community pharmacy or organization that dispenses naloxone or other opioid antagonist to persons without a prescription. Such protocols may also include referrals to peer recovery specialists and community-based providers of behavioral health services or providers of pharmacotherapy for the treatment of drug or alcohol dependence or mental health diagnoses. Directs Department of Health Professions, with Department of Health, to convene a work group to develop recommendations for best practices for the treatment and discharging of patients in emergency departments experiencing opioid-related emergencies, including overdose, including recommendations for best practices related to (a) performing substance use assessments and screenings for patients experiencing opioid-related overdose and other high-risk patients; (b) prescribing and dispensing naloxone or other opioid antagonists used for overdose reversal; (c) connecting patients treated for opioid-related emergencies, including overdose, and their families with substance abuse resources, including existing harm reduction programs and other treatment providers; and (d) identifying barriers to and developing solutions to increase the availability and dispensing of naloxone or other opioid antagonist used for overdose reversal at hospitals and community pharmacies and by other community organizations. Provides that hospitals may enter into agreements with the Department of Health for the provision to uninsured patients of naloxone or other opioid antagonist used for overdose reversal.

**HB 2322 & SB 1469 Opioid Abatement Authority; established, report.**

Establishes the Opioid Abatement Authority. The Authority, with the assistance of the Office of the Attorney General, would administer the Opioid Abatement Fund, which would receive moneys from settlements, judgments, verdicts, and other court orders relating to claims regarding the manufacturing, marketing, distribution, or sale of opioids and any other funds received on the fund's behalf to be used to provide grants and loans to Virginia agencies and certain localities for treating, preventing, or reducing opioid use disorder and the misuse of opioids or otherwise abating or remediating the opioid epidemic in the Commonwealth.

**HJ 578 Criminal justice, behavioral health, & other records; DBHDS to study feasibility of secure database.**

Requests the Department of Behavioral Health and Developmental Services to establish a work group to study the feasibility of developing a secure, de-identified, renewable, and relational database of criminal justice, behavioral health, and other human services records to facilitate development of more effective interventions.

**SB 1102 Personal care aides; DMAS shall establish an orientation program for certain aides.**

Requires the Department of Medical Assistance Services to establish an orientation program for all personal care aides who provide self-directed services through the Medicaid program. The bill lays out the topics to be covered by such orientations, requires orientations to be held in-person or online at least quarterly, and specifies that personal care aides shall be invited and encouraged to attend at least one such orientation per calendar year.

**SB 1122 Habitual offenders; repeals remaining provisions of Habitual Offender Act.**

Repeals the remaining provisions of the Habitual Offender Act. The bill also requires that the Commissioner of the Department of Motor Vehicles reinstate a person's privilege to drive a motor vehicle that was suspended or revoked solely on the basis that such person was determined to be or adjudicated a habitual offender pursuant to the Habitual Offender Act. The bill also authorizes the Virginia Alcohol and Safety Action Program to continue to administer intervention for individuals who were ordered to attend an intervention interview on or before June 30, 2021.

**SB 1178 Genetic counseling; repeals conscience clause.**

Repeals the conscience clause for genetic counselors who forgo participating in counseling that conflicts with their deeply held moral or religious beliefs, provided that they inform the patient and offer to direct the patient to the online directory of licensed genetic counselors maintained by the Board of Medicine. The law being repealed also prohibits the licensing of any genetic counselor from being contingent upon participating in such counseling.

**SB 1220 State facilities; admission of certain aliens.**

Repeals the requirements that (i) the Commissioner of Behavioral Health and Developmental Services determine the nationality of each person admitted to a state facility and, if the person is an alien, notify the United States immigration officer in charge of the district in which the state facility is located and (ii) upon request of the United States immigration officer in charge of the district in which a state facility to which a person who is an alien is admitted is located or the judge or special justice who certified or ordered the admission of such alien, the clerk of the court furnish a certified copy of records pertaining to the case of the admitted alien.

**SB 1273 Behavioral Health Commission; created, report.**

Creates the Behavioral Health Commission in the legislative branch of state government for the purpose of (i) studying and making recommendations for the improvement of behavioral health services and the behavioral health service system in the Commonwealth to encourage the adoption of policies to increase the quality and availability of and ensure access to the full continuum of high-quality, effective, and efficient behavioral health services for all persons in the Commonwealth and (ii) providing ongoing oversight of behavioral health services and the behavioral health service system in the Commonwealth, including monitoring and evaluation of established programs, services, and delivery and payment structures and implementation of new services and initiatives in the Commonwealth and development of recommendations for improving such programs, services, structures, and implementation.

**SB 1304 Community services boards; discharge planning.**

Reduces from within 30 days to within 72 hours of an individual's identification as ready for discharge the time by which a community services board must document its disagreement with the determination that an individual is ready for discharge from a state hospital or training center. The bill also directs the Commissioner of Behavioral Health and Developmental Services to establish a work group with representatives of the Virginia Association of Community Services Boards to (i) review the current process for discharging patients from state mental health hospitals, including the current assigned responsibilities of state hospital staff and community services board staff, as well as the barriers to timely discharge for patients clinically ready to discharge, and (ii) develop potential options to expedite the discharge process for individuals who can be safely discharged back into the community. The bill directs the work group to develop a plan that includes recommendations for expediting the discharge process and identify the necessary funding to ensure that individuals receive essential services upon discharge and that discharges are timely. The bill requires the work group to report its findings and conclusions and its plan to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by September 1, 2021.

**SB 1315 Criminal proceedings; consideration of mental condition and intellectual, etc.**

Permits the admission of evidence offered by the defendant concerning a defendant's mental condition at the time of an alleged offense, including expert testimony, is relevant, is not evidence concerning an ultimate issue of fact, if such evidence (i) tends to show the defendant did or did not have the specific mental state required for the offense charged and (ii) is otherwise admissible pursuant to the general rules of evidence. If a defendant intends to introduce such evidence, the bill requires him or his counsel to give notice in writing to the attorney for the Commonwealth. The bill also clarifies that a diagnosis of an intellectual or developmental disability shall be considered by a judicial officer for the purpose of rebuttal of a presumption against bail and that a court may order that a sentencing report prepared by a probation officer contain any diagnoses of an intellectual or developmental disability. Lastly, the bill adds to the requirements to be met for qualification as a court-appointed attorney two

hours of continuing legal education, which shall cover the representation of individuals with behavioral or mental health disorders and individuals with intellectual or developmental disabilities.

**SB 1472 Individuals w/ intellectual & developmental disabilities; DMAS to study use of virtual support, etc.**

Directs the Department of Medical Assistance Services to study and develop recommendations for the permanent use of virtual supports and increasing access to virtual supports and services for individuals with intellectual and developmental disabilities by promoting access to assistive technology and environmental modifications. The bill requires the Department to report its findings and recommendations to the Governor and the General Assembly by November 1, 2021.

**SB 1473 Health Insurance Reform Commission; mandated health insurance benefit or provider.**

Provides that, for the purposes of the requirement that the Chair of the House Committee on Labor and Commerce or Senate Committee on Commerce and Labor refer certain legislation regarding a mandated health insurance benefit or provider to the Health Insurance Reform Commission for review, "mandated health insurance benefit or provider" means coverage required under the laws of the Commonwealth to be provided in a policy of accident and sickness insurance or a contract for a health-related condition that (i) includes coverage for specific health care services or benefits; (ii) places limitations or restrictions on deductibles, coinsurance, copayments, or any annual or lifetime maximum benefit amounts; or (iii) includes a specific category of licensed health care practitioners from whom an insured is entitled to receive care.

## **Child Mental Health**

**HB 1831 Home care organizations; personal care services through audio-video telephone communication.**

Directs the Board of Health to include in regulations governing home care organizations a provision for supervision of home care attendants providing personal care services by a licensed nurse through use of interactive audio or video technology.

**HB 1866 Court-appointed special advocates; information sharing.**

Permits court-appointed special advocates to participate in and verbally share information with family partnership meetings and in meetings of family assessment and planning teams,

multidisciplinary child sexual abuse response teams, individualized education program teams, and multidisciplinary teams related to child abuse.

**HB 1950 Fetal and Infant Mortality Review Team; Va. Department of Health, et al., to establish, report.**

Directs the Office of the Chief Medical Examiner of the Department of Health to convene a work group to develop a plan for the establishment of a Fetal and Infant Mortality Review Team and to report such plan to the Chairmen of the House Committees on Appropriations and Health, Welfare and Institutions and the Senate Committees on Finance and Appropriations and Education and Health by December 1, 2021.

**HB 1961 Special identification cards; application by guardian.**

Authorizes the parent of any person under the age of 18 or the legal guardian of any person to apply for a special identification card on behalf of such person. Current law authorizes the parent or legal guardian of any person under the age of 15 to apply for a special identification card on behalf of such person.

**HB 2070 Community services boards; contracts with private providers.**

Clarifies that community services boards may enter into contracts with private providers for delivery of mental health, developmental, and substance abuse services.

**HB 2092 DBHDS; background checks, persons providing contractual services.**

Requires background checks for contract staff providing direct care services for Department of Behavioral Health and Developmental Services' licensed services. The bill also sets out the barrier crimes for any person who provides contractual services directly to an individual receiving services on behalf of a licensed provider.

**HB 2166 Involuntary admission; provisions governing involuntary inpatient & mandatory outpatient treatment.**

Amends provisions governing involuntary inpatient and mandatory outpatient treatment to (i) revise criteria for entry of a mandatory outpatient treatment order to become effective upon expiration of an order for involuntary inpatient treatment; (ii) eliminate the requirement that a person agree to abide by a mandatory outpatient treatment plan to be eligible for mandatory outpatient treatment and instead require that the judge or special justice find that the person is able to adhere to a mandatory outpatient treatment plan; (iii) eliminate the role of a treating physician in determining when a person is eligible to transition from inpatient to mandatory outpatient treatment under an order for mandatory outpatient treatment following a period of involuntary inpatient treatment; (iv) increase from 90 to 180 days the length of an order for mandatory outpatient treatment; (v) revise requirements for monitoring of a person's

adherence to a mandatory outpatient treatment plan by a community services board; (vi) expand the category of persons who may file petitions for various reviews of a mandatory outpatient treatment order or plan; and (vii) add a provision for status hearings during the period of mandatory outpatient treatment. The bill has a delayed effective date of July 1, 2022.

**HB 2216 Va. Missing Child w/ Autism Alert Program; renames Va. Missing Person w/ Autism Program.**

Renames the Virginia Missing Child with Autism Alert Program to the Virginia Missing Person with Autism Alert Program, expands to apply to any missing person with autism, regardless of age. Defines a "missing person with autism" as any person (i) whose whereabouts are unknown, (ii) who has been diagnosed with autism spectrum disorder as defined by the Code of Virginia, and (iii) whose disappearance poses a credible threat to the safety and health of the person.

**HB 2238 Licensed private schools for students with disabilities; accreditation.**

Directs the Board of Education to require, pursuant to regulation, any private school for students with disabilities that is licensed by the Board, as a condition for renewal of its initial license to operate, to obtain accreditation from an accrediting agency recognized by the Virginia Council for Private Education within three years of the issuance of its initial triennial license by the Board. The bill provides that, notwithstanding the foregoing requirement, any private school for students with disabilities that is licensed to operate by the Board as of July 1, 2021, shall obtain accreditation from an accrediting agency recognized by the Virginia Council for Private Education no later than July 1, 2024.

**HB 2299 & SB 1288 Special education; Department of and the Board of Education to develop new policies and procedures.**

Requires the Department of Education and the Board of Education to develop new policies and procedures and effect numerous modifications to existing policies and procedures to improve the administration and oversight of special education in the Commonwealth.

**SB 1178 Genetic counseling; repeals conscience clause.**

Repeals the conscience clause for genetic counselors who forgo participating in counseling that conflicts with their deeply held moral or religious beliefs, provided that they inform the patient and offer to direct the patient to the online directory of licensed genetic counselors maintained by the Board of Medicine. The law being repealed also prohibits the licensing of any genetic counselor from being contingent upon participating in such counseling.

**SB 1206 Confidentiality of juvenile court records; exceptions.**

Provides that juvenile court service unit records and Department of Juvenile Justice records may be open for inspection to the Department of Social Services or any local department of



social services that is providing services or care for, or has accepted a referral for family assessment or investigation and the provision of services regarding, a juvenile and these local agencies have entered into a formal agreement with the Department of Juvenile Justice to provide coordinated services to such juveniles.

**SB 1220 State facilities; admission of certain aliens.**

Repeals the requirements that (i) the Commissioner of Behavioral Health and Developmental Services determine the nationality of each person admitted to a state facility and, if the person is an alien, notify the United States immigration officer in charge of the district in which the state facility is located and (ii) upon request of the United States immigration officer in charge of the district in which a state facility to which a person who is an alien is admitted is located or the judge or special justice who certified or ordered the admission of such alien, the clerk of the court furnish a certified copy of records pertaining to the case of the admitted alien.

**SB 1273 Behavioral Health Commission; created, report.**

Creates the Behavioral Health Commission in the legislative branch of state government for the purpose of (i) studying and making recommendations for the improvement of behavioral health services and the behavioral health service system in the Commonwealth to encourage the adoption of policies to increase the quality and availability of and ensure access to the full continuum of high-quality, effective, and efficient behavioral health services for all persons in the Commonwealth and (ii) providing ongoing oversight of behavioral health services and the behavioral health service system in the Commonwealth, including monitoring and evaluation of established programs, services, and delivery and payment structures and implementation of new services and initiatives in the Commonwealth and development of recommendations for improving such programs, services, structures, and implementation.

**SB 1302 Crisis Call Center Fund; created, collection of 988 charges.**

Provides that the crisis call center, which under current law is administered by the Department of Behavioral Health and Developmental Services (the Department), shall provide crisis intervention services and crisis care coordination to individuals accessing the National Suicide Prevention Lifeline from any jurisdiction in the Commonwealth 24 hours a day, seven days a week. The bill directs the Department, in its development of the crisis call center, community care teams, and mobile crisis teams, to comply with any applicable requirements of the National Suicide Hotline Designation Act of 2020 and to provide for consistency with federal guidelines promulgated under such law. The bill contains immunity provisions for any originating service provider and its employees and agents acting pursuant to the act. The bill creates a \$0.12 surcharge on postpaid wireless charges and a \$0.08 surcharge on prepaid wireless charges to be collected by the Department of Taxation and distributed to the Crisis Call Center Fund, established by the bill, to be used for establishing and administering the crisis call center. The bill also increases the wireless E-911 surcharge from \$0.75 to \$0.82 and



the prepaid wireless E-911 charge from \$0.50 to \$0.55. The increased revenue shall be dedicated to public safety answering points.

**SB 1304 Community services boards; discharge planning.**

Reduces from within 30 days to within 72 hours of an individual's identification as ready for discharge the time by which a community services board must document its disagreement with the determination that an individual is ready for discharge from a state hospital or training center. The bill also directs the Commissioner of Behavioral Health and Developmental Services to establish a work group with representatives of the Virginia Association of Community Services Boards to (i) review the current process for discharging patients from state mental health hospitals, including the current assigned responsibilities of state hospital staff and community services board staff, as well as the barriers to timely discharge for patients clinically ready to discharge, and (ii) develop potential options to expedite the discharge process for individuals who can be safely discharged back into the community. The bill directs the work group to develop a plan that includes recommendations for expediting the discharge process and identify the necessary funding to ensure that individuals receive essential services upon discharge and that discharges are timely. The bill requires the work group to report its findings and conclusions and its plan to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by September 1, 2021.

**SB 1472 Individuals w/ intellectual & developmental disabilities; DMAS to study use of virtual support, etc.**

Directs the Department of Medical Assistance Services to study and develop recommendations for the permanent use of virtual supports and increasing access to virtual supports and services for individuals with intellectual and developmental disabilities by promoting access to assistive technology and environmental modifications. The bill requires the Department to report its findings and recommendations to the Governor and the General Assembly by November 1, 2021.

**SB 1473 Health Insurance Reform Commission; mandated health insurance benefit or provider.**

Provides that, for the purposes of the requirement that the Chair of the House Committee on Labor and Commerce or Senate Committee on Commerce and Labor refer certain legislation regarding a mandated health insurance benefit or provider to the Health Insurance Reform Commission for review, "mandated health insurance benefit or provider" means coverage required under the laws of the Commonwealth to be provided in a policy of accident and sickness insurance or a contract for a health-related condition that (i) includes coverage for specific health care services or benefits; (ii) places limitations or restrictions on deductibles, coinsurance, copayments, or any annual or lifetime maximum benefit amounts; or (iii) includes a specific category of licensed health care practitioners from whom an insured is entitled to receive care.

## Land Conservation/Open Space/Parks

### **HB 1760 & SB 1199 Conservation easements; certain easements be liberally construed in favor of purpose which created.**

Provides that an easement held pursuant to the Virginia Conservation Easement Act or the Open-Space Land Act shall be construed in favor of achieving the conservation purposes for which it was created.

### **HB 1833 Conservation and Recreation, Department of; leasing of land.**

Changes the process by which the Department of Conservation and Recreation may lease certain lands from one that is subject to the consent and approval of the Governor and the General Assembly to one that is subject to the written recommendation of the Department of General Services to the Governor and the written approval of the Governor, and excludes the sale of such land from such process. The bill also authorizes only certain activities for which the Department may lease land and requires that information about leasing activities be included in an annual report to the General Assembly.

### **HB 1837 & SB 1161 Virginia Soil and Water Conservation Board; clarifies membership.**

Clarifies that each of the six nonlegislative citizen members of the Virginia Soil and Water Conservation Board (the Board) who is not an at-large member is to be appointed by the Governor from a list of two qualified nominees submitted for each vacancy by the Board and the Board of Directors of the Virginia Association of Soil and Water Conservation Districts (the Association) in consultation with other groups. The bill also requires each of the six nonlegislative citizen members to be a resident of a different one of the six geographic areas represented in the Association. The bill contains technical amendments.

### **HB 1928 Historic resources; acquisition and lease of land.**

Authorizes the Department of Historic Resources and the Board of Historic Resources to undertake additional leasing and property acquisition activities related to battlefield properties, designated landmarks, and other properties of historic significance.

### **HJ 527 Invasive plant species; DCR, et al., to study the sale and use of species.**

Requests the Department of Conservation and Recreation, jointly with the Department of Agriculture and Consumer Services, to establish a work group to study the sale and use of invasive plant species. The resolution requests that the departments work with several state agencies, conservation nonprofits, plant industry and agriculture groups, local government associations, and other stakeholders to develop recommendations regarding statutory and

regulatory changes intended to reduce or eliminate the sale and use of invasive plant species in the Commonwealth and promote the sale and use of native plants.

**SB 1274 Wildlife corridors; various agencies to consider and incorporate.**

Directs various agencies to consider and incorporate, where applicable, wildlife corridors and any recommendation of the Wildlife Corridor Action Plan. The bill directs the Department of Wildlife Resources to publish the Plan and subsequent updates on its website and to assist state agencies and political subdivisions, and by request any federal agency, in considering and incorporating, where applicable, wildlife corridors and the recommendations of the Plan when developing any governmental strategic plan, map, or action.

**SB 1290 ConserveVirginia program; established.**

Establishes in the Department of Conservation and Recreation a data-driven Geographical Information Systems model to prioritize potential conservation areas across the Commonwealth that would provide quantifiable benefits to the citizens of Virginia, known as ConserveVirginia. Aspects of the program include (i) the synthesis of multiple mapped data inputs, divided into categories, each representing a different overarching conservation value, and periodic revision of such values; (ii) access to the model by the public and all state and federal agencies; and (iii) incorporation of the model into acquisition or grant decisions when appropriate. The bill requires the Virginia Land Conservation Foundation to report on the success of the program and incorporate the program into needs assessments for expenditures from the Virginia Land Conservation Fund.

## **Land Use & Growth Management**

**HB 1898 Zoning appeals, board of; appointments.**

Provides an exception to the general rule that an elected official cannot be appointed to a board of zoning appeals by allowing an elected official from a town to serve on the board of zoning appeals of the county in which the member also resides.

**HB 2042 & SB 1393 Trees; replacement and conservation during development, effective date.**

Gives a locality the ability to exceed general requirements in its tree replacement and conservation ordinances in specific circumstances, including development that impacts stormwater permit requirements, recurrent flooding, formerly redlined areas, and comprehensive plan compliance. The bill also directs the Secretary of Natural Resources and Secretary of Agriculture and Forestry to convene a stakeholder work group for the purpose of developing and providing recommendations to state and local governments related to policies that encourage the conservation of mature trees and tree cover on sites being developed,

increase tree canopy cover in communities, and encourage the planting of trees. The bill will not become effective unless reenacted by the 2022 Session of the General Assembly, but the stakeholder work group is effective in due course.

**HB 2053 Affordable & market-rate housing; DHCD to evaluate growing demand.**

Directs the Department of Housing and Community Development (Department) to convene a stakeholder advisory group to evaluate the construction of internal, attached, and detached accessory dwelling units as a strategy to address the Commonwealth's growing demand for affordable and market-rate housing. Requires the advisory group to report its findings and recommendations, including any legislative recommendations, to the Director of the Department, the Secretary of Commerce and Trade, the commissioners of the Virginia Housing Development Authority, and the Virginia Housing Commission no later than November 1, 2021.

**HB 2201 & SB 1207 Solar and energy storage projects; siting agreements throughout the Commonwealth.**

Expands existing provisions related to siting agreements and zoning special exceptions for solar projects located in an opportunity zone to include energy storage projects and makes the provisions statewide. The bill provides that its provisions shall not apply to any energy storage project that has received zoning and site plan approval, preliminary or otherwise, from the host locality before January 1, 2021. Provides that its provisions shall not become effective with respect to energy storage projects unless the General Assembly approves legislation that authorizes localities to adopt an ordinance for taxation of energy storage projects such as solar projects with a local option for machinery and tools tax or solar revenue share.

**HB 2266 & SB 1471 Alcoholic beverage control; local special events license, taxes and fees.**

Renames the "local special events" license as the "designated outdoor refreshment area" license. The bill allows the Board of Directors of the Virginia Alcoholic Beverage Control Authority to increase the frequency and duration of events held under such license after adoption of an ordinance by a locality requesting such increase in frequency and duration. Under current law, localities are limited to holding 16 events per year under such license, with each event lasting no more than three consecutive days, except during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity. The bill also increases the state and local license fees for designated outdoor refreshment area licenses issued pursuant to a local ordinance.

**HB 2269 Solar energy projects and energy storage systems; revenue share for projects and systems.**

Allows localities to assess a revenue share of up to \$1,400 per megawatt on energy storage systems. The bill provides that on July 1, 2026, and every five years thereafter, the maximum

amount of the revenue share that a locality may impose on certain solar energy projects and energy storage systems shall be increased by 10 percent. No increase may be made to any revenue share imposed by a locality on a solar energy project or energy storage systems for which an application has been filed with the locality and such application has been approved prior to January 1, 2021.

**HB 2320 & SB 1389 Real property; required disclosures for buyer to exercise due diligence, flood risk report.**

Requires the Real Estate Board to make available on its website a flood risk information form, the details of which are outlined in the bill. The bill also provides that an owner of residential real property located in the Commonwealth who has actual knowledge that the dwelling unit is a repetitive risk loss structure, as defined in the bill, shall disclose such fact to the purchaser on a form provided by the Real Estate Board on its website. The bill has a delayed effective date of January 1, 2022.

**SB 1457 Historic sites; urban county executive form of gov't. (Fairfax County), provisions in its ordinance.**

Provides that any locality utilizing the urban county executive form of government (Fairfax County) may include a provision in its historic preservation ordinance that would allow public access to an historic area, landmark, building, or structure, or land pertaining thereto, or providing that no subdivision shall occur within any historic district unless approved by the review board or, on appeal, by the governing body of the locality as being compatible with the historic nature of such area, landmarks, buildings, or structures therein with regard to any parcel or parcels that collectively are (i) adjacent to a navigable river and a national park and (ii) in part or as a whole subject to an easement granted to the National Park Service or Virginia Outdoors Foundation granted on or after January 1, 1973.

## **Adult Social Services**

**HB 1805 & SB 1366 Aging services; economic and social needs.**

Requires the Department for Aging and Rehabilitative Services, in providing aging services, to use available resources to provide services to older persons with the greatest economic or social needs. Defines "economic need" as need resulting from an income level at or below the poverty line. The bill defines "social need" as need caused by noneconomic factors, including (i) physical and mental disabilities, which include developmental disabilities and human immunodeficiency virus; (ii) language barriers; and (iii) cultural, social, or geographic isolation, including that which is related to a history of discrimination for factors such as racial or ethnic

status, gender identity, gender expression, or sexual orientation that can affect an individual's ability to perform normal daily tasks or threatens such individual's ability to live independently.

**HB 1820 SNAP benefits program; eligibility for benefits, postsecondary education.**

Adds participation in educational activities that lead to a post-secondary credential from an accredited institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia to the list of activities to which a participant in the Virginia Initiative for Education and Work may be enrolled and directs the Board of Social Services to amend the Supplemental Nutrition Assistance Program (SNAP) benefits program to (i) establish broad-based categorical eligibility, (ii) set the gross income eligibility standard at 200 percent of the federal poverty guidelines, (iii) not impose an asset limit for eligibility, and (iv) increase opportunities for self-sufficiency through postsecondary education by allowing SNAP benefits program participants to satisfy applicable employment and training requirements through enrollment in an accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia.

**HB 1831 Home care organizations; personal care services by audio-video communication.**

Directs the Board of Health to include in regulations governing home care organizations a provision for supervision of home care attendants providing personal care services by a licensed nurse through use of interactive audio or video technology.

**HB 1848 Virginia Human Rights Acts; adds discrimination on the basis of disability.**

Adds discrimination on the basis of disability as an unlawful discriminatory practice under the Virginia Human Rights Act. The bill also requires employers, defined in the bill, to make reasonable accommodation to the known physical and mental impairments of an otherwise qualified person with a disability, if necessary to assist such person in performing a particular job, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer. The bill also prohibits employers from taking any adverse action against an employee who requests or uses a reasonable accommodation, from denying employment or promotion opportunities to an otherwise qualified applicant or employee because such employer will be required to make reasonable accommodation to the applicant or employee, or from requiring an employee to take leave if another reasonable accommodation can be provided to the known limitations related to the disability.

**HB 1852 Uniform Collaborative Law Act; created.**

Creates the Uniform Collaborative Law Act, which provides a framework for the practice of collaborative law, a process entered into voluntarily by clients for the express purpose of reaching a settlement in a family or domestic relations law matter, including (i) marriage, divorce, dissolution, annulment, and property distribution; (ii) child custody, visitation, and

parenting time; (iii) alimony, spousal support, maintenance, and child support; (iv) adoption; (v) parentage; and (vi) negotiation or enforcement of premarital, marital, and separation agreements. The Act governs disclosure of information, privilege against disclosure of communications, and scope of representation by the attorneys in the proceeding.

**HB 1868 Commercial driver's licenses; disqualification for life from holding license, human trafficking.**

Disqualifies for life from holding a commercial driver's license persons convicted of a felony involving an act or practice of severe forms of trafficking in persons while driving a commercial motor vehicle. Prohibits the Department of Motor Vehicles and every district court or circuit court or the clerk thereof from reducing, dismissing, deferring, or otherwise concealing a conviction of any offense committed while operating a commercial motor vehicle or of any holder of a commercial driver's license or permit charged with any offense committed while operating a noncommercial motor vehicle and requires the Department and the courts to comply with federal laws and regulations regarding such convictions. Authorizes Class A driver training schools to administer the commercial driver's license knowledge examinations.

**HB 1873 & SB 1421 Brain injury; clarifies definition.**

Eliminates requirement that an injury occur before the age of 65 to constitute a brain injury as that term is used in the context of licensure of private providers of behavioral health services.

**HB 1884 Income tax, state; voluntary inclusion of personal & contact information on appropriate forms.**

Directs the Department of Taxation to include space on the appropriate individual income tax forms for voluntary inclusion of personal and contact information. Such information may be shared with the Department of Medical Assistance Services, the Department of Social Services, or the Virginia Health Benefit Exchange, as applicable, for use in determining eligibility for certain programs. Beginning with tax year 2022, the Department of Taxation shall also include a checkoff box for taxpayers to indicate their consent to the sharing of tax information with the Department of Medical Assistance Services and the Department of Social Services. Beginning with tax year 2023, there shall also be included a checkoff box for taxpayers to indicate their consent to the sharing of tax information with the Virginia Health Benefit Exchange. The bill contains provisions allowing disclosure of such information in accordance with the act. The bill also directs the Virginia Health Benefit Exchange to, in consultation with other government agencies and stakeholders, identify systems, policies, and practices to facilitate eligibility determinations and enrollment.

**HB 1957 Adult adoption; investigation and report.**

Removes the requirement that an investigation and report be conducted when a petition is filed for the adoption of a person 18 years of age or older on the basis of good cause shown and



after a showing that the person to be adopted is at least 15 years younger than the petitioner and the petitioner and the person to be adopted have known each other for at least one year prior to the filing of the petition for adoption.

**HB 1992 Firearms; purchase, etc., following conviction for assault and battery of a family member.**

Prohibits a person who has been convicted of assault and battery of a family or household member, as defined in the bill, from purchasing, possessing, or transporting a firearm. The prohibition expires three years after the date of conviction, at which point the person's firearms rights are restored, unless he receives another disqualifying conviction. A person who violates the provisions of the bill is guilty of a Class 1 misdemeanor.

**HB 2035 Virginia Initiative for Education and Work; participants, modifies Full Employment Program.**

Modifies the Full Employment Program (FEP) for Virginia Initiative for Education and Work participants by (i) allowing FEP participants to continue receiving Temporary Assistance for Needy Families (TANF); (ii) disregarding wages received through FEP for purposes of calculating TANF; (iii) removing the requirement that a person be unable to find unsubsidized employment in order to participate in FEP; and (iv) allowing employers participating in FEP to receive a subsidy of up to \$1,000 per month for each FEP employee for a period not to exceed six months.

**HB 2065 Produce Rx Program; Dept. of Social Services, et al., to develop a plan for a 3-yr. pilot Program.**

Directs the Department of Social Services, in cooperation with the Department of Medical Assistance Services, to convene a work group to develop a plan for a three-year pilot Produce Rx 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. The bill requires the Department of Social Services to report on the activities of the work group and the elements of the plan to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by October 1, 2021.

**HB 2133 Commercial sex trafficking; issuance of writ of vacatur for victims.**

Establishes a procedure for victims of sex trafficking to file a petition of vacatur in circuit court to have certain convictions vacated and the police and court records expunged for such convictions. The bill requires the court to grant the writ and vacate a qualifying offense if it finds the petitioner (i) was convicted or adjudicated delinquent of a qualifying offense and (ii) committed the qualifying offense as a direct result of being a victim of sex trafficking, as

defined in the bill. As introduced, the bill is a recommendation of the Virginia State Crime Commission.

**HB 2169 Prostitution; reorganizes the statute penalizing into two distinct sections.**

Reorganizes the statute penalizing prostitution into two distinct sections. The penalties for all offenses remain unchanged. This bill is a recommendation of the Virginia State Crime Commission.

**HB 2192 Support orders; contents of orders, change in employment status, unemployment benefits.**

Requires support orders to contain a provision requiring an obligor to keep the Department of Social Services or a court informed of, in addition to the name, address, and telephone number of his current employer, any change to his employment status and if he has filed a claim for or is receiving unemployment benefits. The bill further requires that the provision shall further specify that any such change or filing be communicated to the Department of Social Services or the court in writing within 30 days of such change or filing.

**HB 2203 Virginia Agriculture Food Assistance Program and Fund; established and created.**

Requires the Commissioner of Agriculture and Consumer Services (the Commissioner) to establish the Virginia Agriculture Food Assistance Program (VAFA Program) for Virginia farmers and food producers to donate, sell, or otherwise provide agriculture products to charitable food assistance organizations. The bill also creates the Virginia Agriculture Food Assistance Fund to disburse moneys to such charitable food assistance organizations to reimburse farmers or food producers for any costs associated with harvesting, processing, packaging, or transporting agriculture products donated to such charitable food assistance organizations. The bill authorizes the Commissioner to adopt guidelines and regulations to carry out the VAFA Program.

**HB 2317 Sexual and Domestic Violence, Advisory Committee on; membership, duties.**

Increases from 15 to 19 the total number of members of the Advisory Committee on Sexual and Domestic Violence (the Advisory Committee) by adding the Executive Director of the Virginia Victim Assistance Network and by increasing from six to nine the number of nonlegislative citizen members. Streamlines the responsibilities and duties of the Advisory Committee to (i) promotion of appropriate and effective responses, services, and prevention for sexual assault and domestic violence across the Commonwealth and (ii) promotion of strong communication, coordination, and strategy at state, regional, and local levels. Reorganizes the Virginia Sexual and Domestic Violence Professional Standards Committee (the Professional Standards Committee) to consist of 12 nonlegislative citizen members appointed by the Governor and three nonvoting members. Under current law, the Professional Standards Committee consists of six directors of local and domestic violence programs appointed by the Advisory Committee,

six directors of local sexual and domestic violence programs appointed by the Virginia sexual and domestic violence coalition, one nonvoting member appointed by the Department of Criminal Justice Services, and one nonvoting member appointed by the Virginia sexual and domestic violence coalition. The bill further outlines the duties and responsibilities of the Professional Standards Committee and of the Department of Criminal Justice Services with regard to the Professional Standards Committee.

**HB 2330 Percentage of Income Payment Program and Fund; DHCD & DSS to adopt rules, etc., for adoption.**

Requires the Department of Social Services (the Department), in consultation with, as it deems necessary, the Department of Housing and Community Development, to adopt rules or establish guidelines for the adoption, implementation, and general administration of the Percentage of Income Payment Program (PIPP) and the Percentage of Income Payment Fund (Fund). The bill requires the PIPP to commence no later than March 1, 2022. The bill establishes the Fund for the purposes of implementing and administering the PIPP and related programs. The bill requires Dominion Energy Virginia and American Electric Power to cooperate with the requests of the Department and the State Corporation Commission (the Commission) in the implementation and administration of the PIPP. The Commission is required to promulgate any rules necessary to ensure that funds collected from each utility's universal service fee are directed to the Fund. Requires the Commission to initiate proceedings to provide for an annual true-up of the universal service fee within 60 days of the commencement of the PIPP and on an annual or semiannual basis thereafter. Provides that the PIPP may utilize existing energy efficiency or related programs approved by the Commission. The bill authorizes the Department to determine what deficiencies exist in existing and available federal, state, local, or nonprofit programs to meet energy reduction obligations and to (i) make recommendations to the Commission or the utilities regarding such deficiency analysis and (ii) develop programs to address such deficiencies. Authorizes the Department to develop and implement non-utility energy efficiency programs and other programs for the reduction of energy use for eligible participants in the PIPP, provided that the Department engage in a stakeholder process and undertake a cost-benefit analysis in the development of any such programs. requires that the Commission to make adjustments to the universal service fee as necessary to provide adequate funding for such programs. Requires the Commission to initiate any proceedings to establish new energy efficiency or low-income programs proposed by a utility as necessary to provide service to PIPP participants over a timeframe to be determined by the Commission. Requires the Commission to issue an order providing for the non-bypassable universal service fee as soon as practicable following the bill's effective date.

**HJ 578 Criminal justice, behavioral health, & other records; DBHDS to study feasibility of secure database.**

Requests the Department of Behavioral Health and Developmental Services to establish a work group to study the feasibility of developing a secure, de-identified, renewable, and relational

database of criminal justice, behavioral health, and other human services records to facilitate development of more effective interventions.

**SB 1102 Personal care aides; DMAS shall establish an orientation program for certain aides.**

Requires the DMAS to establish an orientation program for all personal care aides who provide self-directed services through Medicaid. Directs the topics to be covered, requires orientations to be held in-person or online at least quarterly, and specifies that personal care aides shall be invited and encouraged to attend at least one such orientation per calendar year.

**SB 1328 State-Funded Kinship Guardianship Assistance program; created.**

Creates the State-Funded Kinship Guardianship Assistance program (the program) to facilitate child placements with relatives, including fictive kin, and ensure permanency for children. The bill sets forth eligibility criteria for the program, payment allowances to kinship guardians, and requirements for kinship guardianship assistance agreements.

**SB 1468 Victims of crime; certifications for victims of qualifying criminal activity.**

Establishes a process for a state or local law-enforcement agency, an attorney for the Commonwealth, the Attorney General, or any other agency or department employing law-enforcement officers to complete a certification form or declaration that is required by federal immigration law certifying that a person is a victim of qualifying criminal activity.

## **Child Social Services**

**HB 1852 Uniform Collaborative Law Act; created.**

Creates the Uniform Collaborative Law Act, which provides a framework for the practice of collaborative law, a process entered into voluntarily by clients for the express purpose of reaching a settlement in a family or domestic relations law matter, including (i) marriage, divorce, dissolution, annulment, and property distribution; (ii) child custody, visitation, and parenting time; (iii) alimony, spousal support, maintenance, and child support; (iv) adoption; (v) parentage; and (vi) negotiation or enforcement of premarital, marital, and separation agreements. The Act governs disclosure of information, privilege against disclosure of communications, and scope of representation by the attorneys in the proceeding.

**HB 1866 Court-appointed special advocates; information sharing.**

Permits court-appointed special advocates to participate in and verbally share information with family partnership meetings and in meetings of family assessment and planning teams,

multidisciplinary child sexual abuse response teams, individualized education program teams, and multidisciplinary teams related to child abuse.

**HB 1884 Income tax, state; voluntary inclusion of personal & contact information on appropriate forms.**

Directs the Department of Taxation to include space on the appropriate individual income tax forms for voluntary inclusion of personal and contact information. Such information may be shared with the Department of Medical Assistance Services, the Department of Social Services, or the Virginia Health Benefit Exchange, as applicable, for use in determining eligibility for certain programs. Beginning with tax year 2022, the Department of Taxation shall also include a checkoff box for taxpayers to indicate their consent to the sharing of tax information with the Department of Medical Assistance Services and the Department of Social Services. Beginning with tax year 2023, there shall also be included a checkoff box for taxpayers to indicate their consent to the sharing of tax information with the Virginia Health Benefit Exchange. The bill contains provisions allowing disclosure of such information in accordance with the act. The bill also directs the Virginia Health Benefit Exchange to, in consultation with other government agencies and stakeholders, identify systems, policies, and practices to facilitate eligibility determinations and enrollment.

**HB 1912 Child support payments; juvenile in custody of or committed to the Department of Juvenile Justice.**

Provides that the Department of Juvenile Justice is no longer required to apply for child support from, and the parent of a juvenile is no longer responsible to pay child support to, the Department of Social Services for a juvenile who is in the temporary custody of or committed to the Department of Juvenile Justice.

**HB 1950 Fetal and Infant Mortality Review Team; Va. Department of Health, et al., to establish, report.**

Directs the Office of the Chief Medical Examiner of the Department of Health to convene a work group to develop a plan for the establishment of a Fetal and Infant Mortality Review Team and to report such plan to the Chairmen of the House Committees on Appropriations and Health, Welfare and Institutions and the Senate Committees on Finance and Appropriations and Education and Health by December 1, 2021.

**HB 1961 Special identification cards; application by guardian.**

Authorizes the parent of any person under the age of 18 or the legal guardian of any person to apply for a special identification card on behalf of such person. Current law authorizes the parent or legal guardian of any person under the age of 15 to apply for a special identification card on behalf of such person.

### **HB 1962 Foster care; termination of parental rights, relatives and fictive kin.**

Requires local departments of social services and licensed child-placing agencies to involve in the development of a child's foster care plan the child's relatives and fictive kin who are interested in the child's welfare. The bill requires that a child 12 years of age or older be involved in the development of his foster care plan; under current law, a child's involvement is mandatory upon reaching 14 years of age. The bill contains other amendments to provisions governing foster care and termination of parental rights that encourage the placement of children with relatives and fictive kin.

### **HB 1992 Firearms; purchase, etc., following conviction for assault and battery of a family member.**

Prohibits a person who has been convicted of assault and battery of a family or household member, as defined in the bill, from purchasing, possessing, or transporting a firearm. The prohibition expires three years after the date of conviction, at which point the person's firearms rights are restored, unless he receives another disqualifying conviction. A person who violates the provisions of the bill is guilty of a Class 1 misdemeanor.

### **HB 2002 Child support; health care coverage, eligibility requirements.**

Provides that in any case in which a petitioner is seeking to establish child support, the intake officer shall provide the petitioner information on the possible availability of medical assistance through the Family Access to Medical Insurance Security (FAMIS) plan or other government-sponsored coverage through the Department of Medical Assistance Services. The bill also requires the Department of Social Services to refer children for whom it has issued an order directing the payment of child support to the FAMIS plan if it appears that the gross income of the custodial parent is equal to or less than 200 percent of the federal poverty level.

### **HB 2012 Protective orders; violations of preliminary child protective order, changes punishment, etc.**

Changes the punishment and sentencing requirements for a violation of a preliminary child protective order so that the maximum penalty is a Class 1 misdemeanor and the court is no longer required to enter a permanent family abuse protective order (i.e., a protective order with a maximum duration of two years) upon a conviction of a violation of a preliminary child protective order. The bill provides that a violation of a preliminary child protective order is punishable as contempt of court; however, if the violation involves an act or acts of commission or omission that endanger the child's life, health, or normal development or result in bodily injury to the child, it is punishable as a Class 1 misdemeanor. Under current law, violations of preliminary child protective orders constitute contempt of court and are also subject to the same penalties as violations of preliminary, emergency, and permanent family abuse protective orders, including enhanced penalties for certain violations. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference.

### **HB 2017 Juvenile offenders; youth justice diversion programs.**

Authorizes any jurisdiction to establish a youth justice diversion program, defined in the bill as a diversionary program that (i) is monitored by a local youth justice diversion program advisory committee; (ii) uses juvenile volunteers as lawyers, jurors, and other court personnel; (iii) uses volunteer attorneys as judges; (iv) conducts peer trials, subject to the juvenile and domestic relations court's jurisdiction, of juveniles who are referred to the program by an intake officer; and (v) imposes various sentences emphasizing restitution, rehabilitation, accountability, competency building, and education, but not incarceration. The bill provides that a jurisdiction may establish a youth justice diversion program upon establishment of a local youth justice diversion program advisory committee and approval of the program by the chief judge of the juvenile and domestic relations court that serves such jurisdiction. The bill requires each local youth justice diversion program advisory committee to establish criteria for the eligibility and participation of juveniles alleged to have committed a delinquent act other than an act that would be a felony or a Class 1 misdemeanor if committed by an adult, with the consent of the juvenile's parent or legal guardian, and to establish policies and procedures for the operation of such program. The bill provides that whenever an intake officer takes informal action on a complaint alleging that a child committed a delinquent act other than an act that would be a felony or a Class 1 misdemeanor if committed by an adult, the intake officer may refer the juvenile to a youth justice diversion program. The bill also adds provisions that the Department of Juvenile Justice shall develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of youth justice diversion programs and report these evaluations to the General Assembly by December 1 of each year.

### **HB 2055 Child support obligations; party's incarceration not deemed voluntary unemployment/underemployment.**

Provides that a party's incarceration alone for 180 or more consecutive days shall not ordinarily be deemed voluntary unemployment or underemployment for the purposes of calculating child support and imputing income for such calculation. The bill further provides that a party's incarceration for 180 or more days shall be a material change of circumstances upon which a modification of a child support order may be based.

### **HB 2065 Produce Rx Program; Dept. of Social Services, et al., to develop a plan for a 3-yr. pilot Program.**

Directs the Department of Social Services, in cooperation with the Department of Medical Assistance Services, to convene a work group to develop a plan for a three-year pilot Produce Rx 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. The bill requires the Department of Social Services to report on the activities of the work group and the elements of the plan to the Governor and the Chairmen of the House



Committee on Appropriations and the Senate Committee on Finance and Appropriations by October 1, 2021.

**HB 2086 Child care providers; background checks, portability.**

Exempts prospective employees and volunteers of certain child care providers from statutory background check requirements where the individual completed a background check within the previous five years, provided that (i) such background check was conducted after July 1, 2017; (ii) the results of such background check indicated that the individual had not been convicted of any barrier crime and was not the subject of a founded complaint of child abuse or neglect; and (iii) the individual is an employee or volunteer of a child care provider that is subject to background check requirements or has been separated from such employment or volunteer position for not more than 180 days. The bill requires such child care providers, prior to hiring or allowing to volunteer any individual without the completion of a background check, to obtain written certification that such individual satisfies all such requirements and is eligible to serve as an employee or volunteer. The bill also directs the Department of Education (the Department) to establish a two-year pilot program for the purpose of stabilizing and improving the quality of services provided in the Commonwealth's child care industry. The bill provides that under the pilot program a fixed sum of funds, based on the number of children served and certain other factors, will be disbursed to participating child care providers who agree to meet higher standards of quality and care, as determined by the Department. The bill requires the Department to report to the Governor and the General Assembly no later than December 1 of each year of the pilot program certain information set forth in the bill. The bill also requires the Department, in collaboration with the School Readiness Committee, to (a) identify and analyze financing strategies that can be used to support the systemic costs of high-quality child care services, ensure equitable compensation for child care staff, and better prepare children for kindergarten and (b) analyze the effectiveness of using a cost-of-quality modeling system for the child care subsidy program. The bill requires the Department to report its findings to the Governor and the General Assembly no later than December 1, 2021.

**HB 2191 Social services, local departments of; investigations and family assessments, etc.**

Requires local departments of social services, when conducting investigations or family assessments, to disclose to the child's parent or guardian, upon request, the location of the child, provided that (i) the investigation or family assessment has not been completed and a report has not been transmitted; (ii) the parent or guardian requesting disclosure of the child's location has not been the subject of a founded report of child abuse or neglect; (iii) the parent or guardian requesting disclosure of the child's location has legal custody of the child and provides to the local department of social services any records or other information necessary to verify such custody; (iv) the local department is not aware of any court order, and has confirmed with the child's other parent or guardian or other person responsible for the care of the child that no court order has been issued, that prohibits or limits contact by the parent or guardian requesting disclosure of the child's location with the child, the child's other parent or guardian or other person responsible for the care of the child, or any member of the household

in which the child is located; and (v) disclosure of the child's location to the parent or guardian will not compromise the safety of the child, the child's other parent or guardian, or any other person responsible for the care of the child.

**HB 2192 Support orders; contents of orders, change in employment status, unemployment benefits.**

Requires support orders to contain a provision requiring an obligor to keep the Department of Social Services or a court informed of, in addition to the name, address, and telephone number of his current employer, any change to his employment status and if he has filed a claim for or is receiving unemployment benefits. The bill further requires that the provision shall further specify that any such change or filing be communicated to the Department of Social Services or the court in writing within 30 days of such change or filing.

**HB 2203 Virginia Agriculture Food Assistance Program and Fund; established and created.**

Requires the Commissioner of Agriculture and Consumer Services (the Commissioner) to establish the Virginia Agriculture Food Assistance Program (VAFA Program) for Virginia farmers and food producers to donate, sell, or otherwise provide agriculture products to charitable food assistance organizations. The bill also creates the Virginia Agriculture Food Assistance Fund to disburse moneys to such charitable food assistance organizations to reimburse farmers or food producers for any costs associated with harvesting, processing, packaging, or transporting agriculture products donated to such charitable food assistance organizations. The bill authorizes the Commissioner to adopt guidelines and regulations to carry out the VAFA Program.

**HB 2317 Sexual and Domestic Violence, Advisory Committee on; increases membership, duties.**

Increases from 15 to 19 the total number of members of the Advisory Committee on Sexual and Domestic Violence (the Advisory Committee) by adding the Executive Director of the Virginia Victim Assistance Network and by increasing from six to nine the number of nonlegislative citizen members. The bill streamlines the responsibilities and duties of the Advisory Committee to (i) promotion of appropriate and effective responses, services, and prevention for sexual assault and domestic violence across the Commonwealth and (ii) promotion of strong communication, coordination, and strategy at state, regional, and local levels.

The bill also reorganizes the Virginia Sexual and Domestic Violence Professional Standards Committee (the Professional Standards Committee) to consist of 12 nonlegislative citizen members appointed by the Governor and three nonvoting members. Under current law, the Professional Standards Committee consists of six directors of local and domestic violence programs appointed by the Advisory Committee, six directors of local sexual and domestic violence programs appointed by the Virginia sexual and domestic violence coalition, one nonvoting member appointed by the Department of Criminal Justice Services, and one nonvoting member appointed by the Virginia sexual and domestic violence coalition. The bill

further outlines the duties and responsibilities of the Professional Standards Committee and of the Department of Criminal Justice Services with regard to the Professional Standards Committee.

**SB 1168 "Abused or neglected child;" definition.**

Conforms the definition of "abused or neglected child" in Title 16.1 (Courts Not of Record) with the definition of the same term in Title 63.2 (Welfare (Social Services)).

**SB 1178 Genetic counseling; repeals conscience clause.**

Repeals the conscience clause for genetic counselors who forgo participating in counseling that conflicts with their deeply held moral or religious beliefs, provided that they inform the patient and offer to direct the patient to the online directory of licensed genetic counselors maintained by the Board of Medicine. The law being repealed also prohibits the licensing of any genetic counselor from being contingent upon participating in such counseling.

**SB 1181 Special immigrant juvenile status; jurisdiction.**

Permits the juvenile and domestic relations district court to retain jurisdiction in cases where a child has petitioned the court to make findings of fact that would allow the child to apply for or receive a state or federal benefit until such child reaches 21 years of age for the purpose of entering findings of fact or amending past orders, to include findings of fact necessary for the person to petition the federal government for status as a special immigrant juvenile.

**SB 1206 Confidentiality of juvenile court records; exceptions.**

Provides that juvenile court service unit records and Department of Juvenile Justice records may be open for inspection to the Department of Social Services or any local department of social services that is providing services or care for, or has accepted a referral for family assessment or investigation and the provision of services regarding, a juvenile and these local agencies have entered into a formal agreement with the Department of Juvenile Justice to provide coordinated services to such juveniles.

**SB 1316 Child care providers; background checks, portability.**

Exempts prospective employees and volunteers of certain child care providers from statutory background check requirements where the individual completed a background check within the previous five years, provided that (i) such background check was conducted after July 1, 2017; (ii) the results of such background check indicated that the individual had not been convicted of any barrier crime and was not the subject of a founded complaint of child abuse or neglect; and (iii) the individual is an employee or volunteer of a child care provider that is subject to background check requirements or has been separated from such employment or volunteer position for not more than 180 days. Requires such child care providers, prior to hiring or

allowing to volunteer any individual without the completion of a background check, to obtain written certification that such individual satisfies all such requirements and is eligible to serve as an employee or volunteer. Directs the Department of Education (the Department) to establish a two-year pilot program for the purpose of stabilizing and improving the quality of services provided in the Commonwealth's child care industry. Provides that under the pilot program a fixed sum of funds, based on the number of children served and certain other factors, will be disbursed to participating child care providers who agree to meet higher standards of quality and care, as determined by the Department. Requires the Department to report to the Governor and the General Assembly no later than December 1 of each year of the pilot program certain information set forth in the bill. Requires the Department, in collaboration with the School Readiness Committee, to (a) identify and analyze financing strategies that can be used to support the systemic costs of high-quality child care services, ensure equitable compensation for child care staff, and better prepare children for kindergarten and (b) analyze the effectiveness of using a cost-of-quality modeling system for the child care subsidy program. Requires the Department to report its findings to the Governor and the General Assembly no later than December 1, 2021.

**SB 1321 Confirmatory adoption; expands the stepparent adoption provisions.**

Expands the stepparent adoption provisions to allow a person who is not the child's stepparent but has a legitimate interest in the child to file a joint petition for adoption with the child's birth parent or parent by adoption.

**SB 1325 Visitation; petition of grandparent.**

Allows a grandparent who has petitioned the court for visitation of a minor grandchild, in cases where the parent of the minor grandchild is deceased or incapacitated, to introduce evidence of such deceased or incapacitated parent's consent to visitation with the grandparent. The bill provides that if the parent's consent is proven by a preponderance of the evidence, the court may then determine if grandparent visitation is in the best interest of the minor grandchild.

**SB 1328 State-Funded Kinship Guardianship Assistance program; created.**

Creates the State-Funded Kinship Guardianship Assistance program (the program) to facilitate child placements with relatives, including fictive kin, and ensure permanency for children. Sets forth eligibility criteria for the program, payment allowances to kinship guardians, and requirements for kinship guardianship assistance agreements.

**SB 1415 Protective orders; violations of preliminary child protective order, changes punishment, etc.**

Changes the punishment and sentencing requirements for a violation of a preliminary child protective order so that the maximum penalty is a Class 1 misdemeanor and the court is no longer required to enter a permanent family abuse protective order (i.e., a protective order

with a maximum duration of two years) upon a conviction of a violation of a preliminary child protective order. Provides that a violation of a preliminary child protective order is punishable as contempt of court; however, if the violation involves an act or acts of commission or omission that endanger the child's life, health, or normal development or result in bodily injury to the child, it is punishable as a Class 1 misdemeanor. Under current law, violations of preliminary child protective orders constitute contempt of court and are also subject to the same penalties as violations of preliminary, emergency, and permanent family abuse protective orders, including enhanced penalties for certain violations.

**SB 1456 Juveniles; eligibility for commitment to the Department of Juvenile Justice.**

Provides that a juvenile may be committed to the Department of Juvenile Justice (the Department) only if he (i) is adjudicated delinquent of a violent juvenile felony and is 11 years of age or older or (ii) is 14 years of age or older. The bill provides that no juvenile younger than 11 years of age may be detained in a secure facility prior to an order of final disposition unless he is alleged to have committed a violent juvenile felony; in such case, the juvenile may only be detained in an approved foster home, a facility operated by a licensed child welfare agency, or another suitable place designated by the court and approved by the Department, but under no circumstances shall such juvenile be detained in a secure detention facility.

**SB 1468 Victims of crime; certifications for victims of qualifying criminal activity.**

Establishes a process for a state or local law-enforcement agency, an attorney for the Commonwealth, the Attorney General, or any other agency or department employing law-enforcement officers to complete a certification form or declaration that is required by federal immigration law certifying that a person is a victim of qualifying criminal activity.

## **Transportation Funding - Roads**

**HB 1813 Highway construction by state or local employees; limit.**

Increases from \$600,000 to \$700,000 the value of highway maintenance and construction projects eligible to be performed by state or local employees.

**HB 1832 & SB 1259 Virginia Highway Corporation Act; alteration of certificate of authority, powers and duties of SCC.**

Requires any application for a transfer, extension, or amendment of a certificate of authority issued under the Virginia Highway Corporation Act to include information demonstrating the financial fitness of the entity applying to operate the roadway. The bill requires an applicant for a toll increase to provide a forward-looking analysis return that will be reviewed by the Department of Transportation that demonstrates that the proposed rates will be reasonable to

the user in relation to the benefit obtained, not likely to materially discourage use of the roadway, and provide the operator no more than a reasonable return. The bill also prohibits the State Corporation Commission from authorizing a toll increase if these criteria are not met or if the proposed increase is for more than one year. The bill requires an operator to receive approval from the Commission prior to refinancing any existing debt.

**HB 2071 & SB 1350 Transportation funding; statewide prioritization process, resiliency.**

Requires the Commonwealth Transportation Board to determine whether a project has been designed to be or the project sponsor has committed that the design will be resilient when evaluating projects for the Six-Year Improvement Program and consider resiliency when establishing the Statewide Transportation Plan. The bill also requires the Commissioner of Highways to ensure resiliency is incorporated into the design standards for new construction projects.

**HB 2282 State Corporation Commission; transportation electrification, utility recovery of certain costs.**

Directs the State Corporation Commission (the Commission) to report on policy proposals to accelerate transportation electrification in the Commonwealth. Requires the Commission to submit, no later than May 1, 2022, a report to the General Assembly recommending policy proposals that could govern public electric utility programs to accelerate widespread transportation electrification in the Commonwealth. Requires the Commission to utilize a public process, facilitated by a third party with expertise in transportation electrification, in which the Commission, the Department of Environmental Quality, the Department of Mines, Minerals and Energy, the Department of Transportation, and appropriate stakeholders participate. Requires that the Commission, in developing its policy recommendations, evaluate (i) areas where utility or other public investment may best complement private efforts to effectively deploy charging infrastructure, with particular focus on low-income, minority, and rural communities; (ii) how smart growth policies can complement and enhance the Commonwealth's transportation electrification goals; (iii) how utility programs, investments, or incentives to customers or third parties to facilitate the deployment of charging infrastructure and related upgrades can support or enhance (a) statewide transportation electrification, including electrification of public transit; (b) the electrification of medium-duty and heavy-duty vehicles, school buses, vehicles at ports and airports, personal vehicles, and vehicle fleets; (c) increased access to electric transportation and improved air quality in low-income and medium-income communities; (d) achievement of existing energy storage targets; (e) improvements to the distribution grid or to specific sites necessary to accommodate charging infrastructure; and (f) customer education and outreach programs that increase awareness of such programs and the benefits of transportation electrification. The bill requires that the report also address whether and how transportation electrification can, under current law, (1) reduce total ratepayer rates and costs; (2) assist in grid management and more efficient use of the grid, in a manner that does not increase peak demand, through time-of-use rates, managed charging programs, vehicle-to-grid programs, or other alternative rate designs; (3) utilize increased generation from renewable energy

resources; and (4) reduce fueling costs for vehicles. Requires that, to the extent that the Commission and stakeholders conclude that transportation electrification cannot currently deliver these benefits, the report include public policy recommendations. Requires, beginning July 1, 2021, that any approved costs of any investor-owned electric utility associated with investment in transportation electrification be recovered only through the utility's rates for generation and distribution, prohibits recovery of such costs through a rate adjustment clause, and provides that such costs are not eligible for a customer credit reinvestment offset.

## **Pedestrian Safety, Walkability & Bicycle Safety**

### **HB 1841 Crosswalk design; Dept. of Transportation to convene work group to determine model policies.**

Directs the Commissioner of Highways to convene a working group to determine whether there should be model policies for crosswalk design and installation and, if so, establish recommendations for such model policies. The bill directs the working group to monitor and provide input to the U.S. Department of Transportation and the Federal Highway Administration as updates to crosswalk designs in the Manual on Uniform Traffic Control Devices for Streets and Highways are considered. The working group shall submit to the Governor and the General Assembly a report on its findings and recommendations by November 1, 2021.

### **HB 2262 Bicycles; traffic regulations, report.**

Requires the driver of a motor vehicle to change lanes when overtaking a bicycle or certain other vehicles when the lane of travel is not wide enough for the overtaking motor vehicle to pass at least three feet to the left of the overtaken vehicle. The bill also removes the limitations on riding bicycles and certain other vehicles two abreast. The Department of State Police is directed to convene a work group to review issues related to allowing bicyclists to treat stop signs as yield signs, and to report any recommendations to the chairmen of the House and Senate Committees on Transportation.

## **Vehicle Policy Issues**

### **HB 1796 License plates, special; removes fee for issuance to Va. National Guard retirees.**

Removes the fee for the issuance of a special license plate for retired members of the Virginia National Guard. Currently, such special license plates cost the same as the prescribed cost for a typical Virginia license plate.



**HB 1846 License restrictions for minors; prohibition on use of handheld personal communications devices.**

Eliminates the provision prohibiting a holder of a provisional driver's license to operate a vehicle while using a wireless communication device. Such provision was specific only to the holder of a provisional license. Under a different current law, all drivers, including those with a provisional driver's license, are prohibited from holding a personal communications device while operating a vehicle.

**HB 1918 & SB 1169 Student driver safety; driver education program shall include dangers of speeding.**

Requires (i) driver education programs to include instruction on the dangers of distracted driving and speeding and (ii) a student to submit a standard application form developed by the Department of Education by which the student provides evidence that he possesses a valid driver's license or driver privilege card before being issued a pass to park a vehicle on high school property.

**HB 1960 & SB 1470 Vehicle registration; special communication needs indicator.**

Expands eligibility for a special communication needs indicator on a vehicle registration to vehicle owners whose vehicle is regularly occupied by an individual who has a disability that can impair communication. Current law authorizes those vehicle owners who have a disability that can impair communication to apply for such an indicator. The bill authorizes the removal of such indicator by request in writing to the Department of Motor Vehicles.

**HB 1979 Electric vehicle rebate program; creation and funding, report, sunset date.**

Creates a rebate program for the purchase or lease of new and used electric vehicles, to be administered by the Department of Mines, Minerals and Energy. A purchaser or lessee of a new or used electric vehicle would receive a \$2,500 rebate applied toward payment for the purchase, and a purchaser or lessee with an annual household income that does not exceed 300 percent of the federal poverty level would be entitled to an additional \$2,000 rebate for a new electric vehicle and \$500 for a used electric vehicle beginning in taxable year 2022. The bill also establishes an Electric Vehicle Rebate Program Advisory Council to oversee the Electric Vehicle Rebate Program and to make recommendations regarding its implementation. The Director of the Department of Mines, Minerals and Energy is required to report annually to the Governor and the General Assembly regarding the Program. The program expires on January 1, 2027.

**HB 2118 Virginia Electric Vehicle Grant Fund and Program; created, report.**

Establishes the Electric Vehicle Grant Fund and Program for the purpose of (i) awarding grants on a competitive basis to public school divisions for (a) assisting with costs of replacing diesel

school buses with electric school buses; (b) the implementation of recharging infrastructure or other infrastructure needed to charge or maintain such electric school buses; and (c) workforce development and training to support the maintenance, charging, and operation of such electric school buses and (ii) projects by public, private, and non-profit Virginia entities to assist with replacing diesel-fueled vehicles and machinery with electric vehicles. No allocation of funds shall be made to the Fund or the Program unless federal or nonstate funds are available to cover the entire cost of such allocation. The bill contains provisions relating to grant applications, priority, awards, and uses. The Department of Environmental Quality shall convene a stakeholder workgroup to develop recommendations for establishing and administering the Fund and Program and shall report the workgroup findings to the General Assembly.

**HB 2119 Student driver education program; parent/student component exemption.**

Exempts students who are (i) at least 18 years old, (ii) emancipated minors, or (iii) unaccompanied minors who are not in the physical custody of their parent or guardian from the requirement to participate in the parent/student component of a school's driver education program.

**HB 2138 Identification privilege cards; authorizes DMV to issue, fee, confidentiality, penalties.**

Authorizes the Department of Motor Vehicles to issue identification privilege cards to applicants who hold a citizenship or legal presence status that is eligible for a special identification card or a limited-duration special identification card and have reported income from Virginia sources or been claimed as a dependent on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill provides that identification privilege cards shall be treated as special identification cards unless otherwise provided in the Code of Virginia. The bill limits the release of certain information stored by the Department. The bill has a delayed effective date of January 1, 2022.

**HB 2163 Motor Vehicles, Department of; limits the release of privileged information to government entities.**

Limits the release of Department of Motor Vehicles (DMV) privileged information to government entities and law-enforcement agencies for the purpose of civil immigration enforcement unless (i) the subject of the information provides consent or (ii) the requesting agency presents a lawful judicial order, judicial subpoena, or judicial warrant. Requires the DMV to notify the subject of the request that such a request was made and the identity of the entity that made the request. The bill requires any entity receiving privileged information from the DMV to enter into a written agreement with the DMV prior to such release of such information and prohibits any entity from rereleasing any such DMV information to any third party unless explicitly permitted to do so in the entity's agreement with the DMV. Contains requirements for any such written agreement between the DMV and the Department of State Police.

**HB 2261 License plates, special; removes fee for issuance to a member of the Virginia National Guard.**

Removes the fee for the issuance of special license plates to a member of the Virginia National Guard. Current law provides that such special license plates are issued at half the prescribed cost of state license plates. The bill does not change the fee for personalized special license plates.

**HB 2294 Vehicle's odometer; disclosure exemption.**

Provides that the exemption from disclosing a vehicle's odometer reading applies only to vehicles exempt from recording an odometer in another state that were manufactured (i) in or before the 2010 model year and transferred at least 10 years after January 1 of the vehicle's model year or (ii) in or after the 2011 model year and transferred at least 20 years after January 1 of the vehicle's model year. Current law exempts disclosure for vehicles exempt from disclosure in another state that were manufactured for a model year at least 10 years earlier than the vehicle transfer. This bill complies with federal regulations regarding odometer disclosure exemptions.

**HB 2318 Test driving vehicles; residence districts, civil penalty.**

Authorizes localities by ordinance to require motor vehicle dealers in the locality to notify a buyer or potential buyer that test driving a motor vehicle in a residence district that has been designated for increased fines is prohibited, unless the buyer or potential driver is driving to or from his residence. The bill requires the locality to notify licensed motor vehicle dealers located within the locality of the enactment of such ordinance and send a copy of such notification to the Motor Vehicle Dealer Board. The bill authorizes the locality to notify the Board if a buyer or potential buyer is convicted of a traffic infraction while conducting a test drive in a prohibited location. The bill provides that the Board may determine if the proper notice was given and impose a civil penalty if such notice was not given.

**SB 1160 Removal of vehicles involved in accidents; lien of keeper of vehicles.**

Modernizes and improves enforcement of mechanics' and storage liens by (i) transferring notification and auction posting requirements to the Department of Motor Vehicles (the Department); (ii) allowing for independent appraisals to establish accurate vehicle values; (iii) expanding vehicle owner searches to other states and requiring the Department to notify owners in those states; and (iv) creating a limited process for relinquishing mechanics' and storage liens. The bill permits out-of-state requesters to obtain Virginia vehicle information for mechanics' or storage lien or abandoned vehicle enforcement in their states, and clarifies disposal rights, auction requirements, and titling documentation for abandoned vehicles. The Department is authorized to collect administrative fees to cover the expenses associated with these duties. The bill also provides that an entity acting at the direction of law enforcement or the Department of Transportation to remove a vehicle or cargo after an accident shall not be

liable for damages or claims resulting from exercise of authority, provided that the entity acted reasonably. The provisions of this bill related to mechanics' and storage liens have a delayed effective date of January 1, 2022.

**SB 1182 Motor vehicle liability insurance; increases coverage amounts.**

Increases the motor vehicle liability insurance coverage amounts from \$25,000 to \$30,000 in cases of bodily injury to or death of one person and from \$50,000 to \$60,000 in cases of bodily injury to or death of two or more persons from any one accident, for policies effective between January 1, 2022 and January 1, 2025. For policies effective after January 1, 2025, the bill increases the motor vehicle liability insurance coverage amounts to \$50,000 in cases of bodily injury to or death of one person, \$100,000 in cases of bodily injury to or death of two or more persons from any one accident, and from \$20,000 to \$25,000 for injury to or destruction of property of others as a result of any one accident. The bill requires that self-insured operators of taxicabs maintain protection against uninsured and underinsured drivers with limits of \$25,000, \$50,000, and \$20,000, respectively, with respect to each motor vehicle. The bill has a delayed effective date of January 1, 2022.

**SB 1213 Restricted licenses; DMV authorized to issue.**

Authorizes the Department of Motor Vehicles to issue restricted driving credentials to individuals with driver's license suspensions resulting from drug-related offenses.

**SB 1335 Learner's permits; use of personal communication devices, restrictions.**

Eliminates the provision prohibiting a holder of a learner's permit to operate a vehicle while using a wireless telecommunications device. Such provision was specific only to the holder of a learner's permit. Under a different current law, all drivers, including those with a learner's permit, are prohibited from holding a personal communications device while operating a vehicle.

**SB 1336 Ignition interlock systems; restricted permits to operate a motor vehicle.**

Provides that in any criminal case for reckless or improper driving where a defendant's license to operate a motor vehicle, engine, or train is subject to revocation or suspension and the court orders a defendant, as a condition of probation or otherwise, to enter into and successfully complete an alcohol safety action program, the court may issue the defendant a restricted license to operate a motor vehicle where the only restriction is to prohibit the defendant from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system for a period of not less than six consecutive months without alcohol-related violations of the interlock requirements.

## Other Transportation Policy

### **HB 1850 Motor vehicle weight limits; vehicles powered primarily by electric battery power, etc.**

Authorizes motor vehicles powered primarily by means of electric battery power to exceed relevant weight limits by 2,000 pounds, provided that such weight is on the power unit and such weight does not exceed 82,000 pounds on an interstate highway. The bill also changes the weight exemption for motor vehicles fueled primarily by natural gas on an interstate highway from the difference between the weight of the natural gas tank and fueling system and a comparable diesel tank and fueling system to up to an additional 2,000 pounds, provided that such weight is on the power unit and does not exceed 82,000 pounds.

### **HB 1851 & SB 1098 Unmanned aircraft; exempts an owner from the requirement to register.**

Exempts an owner of an unmanned aircraft from the requirement to register aircrafts.

### **HB 1854 U.S. Route 29; county manager plan of government.**

Authorizes the board of any locality that has adopted the county manager plan of government (Arlington County) to name any section of U.S. Route 29 located within the boundaries of the locality. The bill provides that the Department of Transportation will place and maintain appropriate signs that will be paid for by the locality.

### **HB 1868 Commercial driver's licenses; disqualification for life from holding license, human trafficking.**

Disqualifies for life from holding a commercial driver's license persons convicted of a felony involving an act or practice of severe forms of trafficking in persons while driving a commercial motor vehicle. The bill prohibits the Department of Motor Vehicles and every district court or circuit court or the clerk thereof from reducing, dismissing, deferring, or otherwise concealing a conviction of any offense committed while operating a commercial motor vehicle or of any holder of a commercial driver's license or permit charged with any offense committed while operating a noncommercial motor vehicle and requires the Department and the courts to comply with federal laws and regulations regarding such convictions. The bill also authorizes Class A driver training schools to administer the commercial driver's license knowledge examinations.

### **HB 1893 & SB 1212 New River Valley Passenger Rail Station Authority; creation of authority in Planning District 4.**

Authorizes the creation of a regional passenger rail station authority in Planning District 4 to assist in the creation and maintenance of passenger rail in the region. The authority would be authorized to enter into revenue sharing agreements and to issue revenue bonds. The authority

would be governed by a board consisting of members of each participating locality and institution of higher education.

**HB 1926 Central Virginia Transportation Authority; membership.**

Adds the Executive Director of the Virginia Port Authority, or his designee, as a nonvoting ex officio member of the Central Virginia Transportation Authority.

**HB 1965 State Air Pollution Control Board; low-emissions and zero-emissions vehicle program.**

Directs the State Air Pollution Control Board to implement a low-emissions and zero-emissions vehicle program for motor vehicles with a model year of 2025 and later. Regulations adopted by the Board to implement the program are exempt from the Administrative Process Act and shall not become effective prior to January 1, 2024. The bill requires that the regulations adopted by the Board will allow any motor vehicle manufacturer to establish a Virginia-specific zero-emission vehicle credit account and to make a initial deposit into its account. Such credits may be traded or sold or used to meet up to 18 percent of the manufacturer's zero-emissions vehicle program credit requirements in any model year. Authorizes the State Corporation Commission to exclude sales related to such vehicles from certain energy efficiency calculations.

**HB 2024 Dept. of Transportation to work w/ Patrick County in constructing replica.**

Requires the Department of Transportation to work with the governing body of Patrick County and community groups interested in constructing a replica of the Bob White Covered Bridge to approve a construction plan for a replica of the Bob White Covered Bridge for tourism purposes open for pedestrian, non-motor vehicle traffic. The bill requires that such replica bridge meet certain federal design and construction specifications.

**HB 2054 Comprehensive plan; provision for transit-oriented development.**

Adds reducing, modifying, or waiving local parking requirements or ratios to the strategies that may be included when certain larger localities consider incorporating strategies to promote transit-oriented development in reviews of their comprehensive plans. The bill removes from the existing strategy of increasing development density in certain areas to reduce density in others the phrase "to reduce density in others."

**HB 2075 Jefferson Davis Highway; renames any section of U.S. Route 1 to "Emancipation Highway."**

Renames any section of U.S. Route 1 in Virginia that is designated as "Jefferson Davis Highway" to "Emancipation Highway." The bill has a delayed effective date of January 1, 2022.

**HB 2282 State Corporation Commission; transportation electrification, utility recovery of certain costs.**

Directs the State Corporation Commission (the Commission) to report on policy proposals to accelerate transportation electrification in the Commonwealth. The bill requires the Commission to submit, no later than May 1, 2022, a report to the General Assembly recommending policy proposals that could govern public electric utility programs to accelerate widespread transportation electrification in the Commonwealth. The bill requires the Commission to utilize a public process, facilitated by a third party with expertise in transportation electrification, in which the Commission, the Department of Environmental Quality, the Department of Mines, Minerals and Energy, the Department of Transportation, and appropriate stakeholders participate. The bill requires that the Commission, in developing its policy recommendations, evaluate (i) areas where utility or other public investment may best complement private efforts to effectively deploy charging infrastructure, with particular focus on low-income, minority, and rural communities; (ii) how smart growth policies can complement and enhance the Commonwealth's transportation electrification goals; (iii) how utility programs, investments, or incentives to customers or third parties to facilitate the deployment of charging infrastructure and related upgrades can support or enhance (a) statewide transportation electrification, including electrification of public transit; (b) the electrification of medium-duty and heavy-duty vehicles, school buses, vehicles at ports and airports, personal vehicles, and vehicle fleets; (c) increased access to electric transportation and improved air quality in low-income and medium-income communities; (d) achievement of existing energy storage targets; (e) improvements to the distribution grid or to specific sites necessary to accommodate charging infrastructure; and (f) customer education and outreach programs that increase awareness of such programs and the benefits of transportation electrification. The bill requires that the report also address whether and how transportation electrification can, under current law, (1) reduce total ratepayer rates and costs; (2) assist in grid management and more efficient use of the grid, in a manner that does not increase peak demand, through time-of-use rates, managed charging programs, vehicle-to-grid programs, or other alternative rate designs; (3) utilize increased generation from renewable energy resources; and (4) reduce fueling costs for vehicles. The bill requires that, to the extent that the Commission and stakeholders conclude that transportation electrification cannot currently deliver these benefits, the report include public policy recommendations. requires, beginning July 1, 2021, that any approved costs of any investor-owned electric utility associated with investment in transportation electrification be recovered only through the utility's rates for generation and distribution, prohibits recovery of such costs through a rate adjustment clause, and provides that such costs are not eligible for a customer credit reinvestment offset.

**SB 1126 Transportation District Commission of Hampton Roads; change in membership.**

Adds a member of the House of Delegates, to be appointed by the Speaker of the House, and a member of the Senate, to be appointed by the Senate Committee on Rules, to the Transportation District Commission of Hampton Roads. Such legislative members must represent districts that include certain cities in the Hampton Roads region. The bill also requires



that nonlegislative citizen members of the Commission appointed by the Governor have experience in one of the following fields: transit, transportation, or land use planning; management of transit, transportation, or other public sector operations; public budgeting or finance; corporate communications; government oversight; or state or local government. The new qualifications do not affect the appointment of any current members of the Commission until the expiration of their terms.

**SB 1130 Personal property tax; exemption for motor vehicle of a 100 percent disabled veteran.**

Provides that one motor vehicle of a veteran who has a 100 percent service-connected, permanent, and total disability shall be exempt from local taxes. This bill is the enabling legislation for a constitutional amendment ratified by the voters of the Commonwealth at the November 2020 general election.

**SB 1214 Metropolitan Washington Airports Authority; repeals effective date for creation of Authority.**

Repeals the contingent effective date for the creation of the Metropolitan Washington Airports Authority. Such contingency has been met. The bill is a recommendation of the Code Commission.

**SB 1223 Virginia Energy Plan; amends Plan to include an analysis of electric vehicle charging infrastructure**

Amends the Virginia Energy Plan to include an analysis of electric vehicle charging infrastructure and other infrastructure needed to support the 2045 net-zero carbon target in the transportation sector.

## Unfunded Mandates

**HB 1818 & SB 1275 Workers' compensation; presumption of compensability for certain diseases.**

Provides that the occupational disease presumption for death caused by hypertension or heart disease will apply for salaried or volunteer emergency medical services personnel who have at least five years of service and are operating in a locality that has legally adopted a resolution declaring that it will provide one or more of such presumptions. The provisions of the bill do not apply to any individual who was diagnosed with hypertension or heart disease before July 1, 2021.

**HB 1823 Public schools, child day programs, and certain other programs; carbon monoxide detectors required.**

Requires each building that was built before 2015 and that houses any public school classroom for students, licensed child day program, or other program that serves preschool-age children to be equipped with at least one carbon monoxide detector.

**HB 1874 Behavioral health; assessments in local correctional facilities, report.**

Requires the Board of Local and Regional Jails (the Board) to include in its minimum standards for behavioral health services in local correction facilities requirements for (i) referral of individuals committed to local correctional facilities for whom a behavioral health screening indicates reason to believe the person may have mental illness to a behavioral health service provider for a behavioral health assessment and (ii) in cases in which there is reason to believe an individual is experiencing acute mental health distress or is at risk for suicide, (a) staff of the local correctional facility to consult with the behavioral health service provider to implement immediate interventions and to provide ongoing monitoring to ensure the safety of the individual and (b) the behavioral health assessment to be completed within 72 hours of completion of the behavioral health screening unless the 72-hour period ends on a Saturday, Sunday, or legal holiday, in which case the assessment shall be completed by the close of business on the next working day. The bill requires the Board to (1) review the behavioral health screening and assessment process for individuals committed to local correctional facilities, (2) identify barriers to ensuring that all behavioral health assessments are completed within 72 hours of the behavioral health screening, (3) develop recommendations for addressing such barriers, and (4) report its findings and recommendations to the Secretary of Public Safety and Homeland Security and the Chairmen of the House Committees on Health, Welfare and Institutions and Public Safety and the Senate Committee on Rehabilitation and Social Services by October 1, 2021.

**HB 1985 Workers' compensation; presumption of compensability for COVID-19.**

Establishes a presumption that COVID-19 causing the death or disability of health care providers is an occupational disease compensable under the Workers' Compensation Act. The bill provides that the COVID-19 virus is established by a positive diagnostic test for COVID-19, an incubation period consistent with COVID-19, and signs and symptoms of COVID-19 that require medical treatment. The bill provides that such presumption applies to any death or disability occurring on or after March 12, 2020, caused by infection from the COVID-19 virus, provided that for any such death or disability that occurred on or after March 12, 2020, and prior to December 31, 2021, the claimant received a positive diagnosis of COVID-19 from a licensed physician, after either a presumptive positive test or a laboratory-confirmed test for COVID-19, and presented with signs and symptoms of COVID-19 that required medical treatment. The bill provides that such presumptions do not apply to any person offered by his employer a vaccine for the prevention of COVID-19 unless the person's physician determines in writing that immunization would pose a significant risk to the person's health.

**HB 2137 Paid sick leave; employers to provide to certain employees.**

Requires employers to provide certain employees paid sick leave. Employee is eligible for paid sick leave under the bill if the employee is an essential worker and works on average at least 20 hours per week or 90 hours per month. The bill provides for an employee to earn at least one hour of paid sick leave benefit for every 30 hours worked. An employee shall not use more than 40 hours of earned paid sick leave in a year, unless the employer selects a higher limit. Provides that earned paid sick leave may be used for (i) an employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care or (ii) care of a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care of a family member who needs preventive medical care. Prohibits employers from taking certain retaliatory actions against employees related to leave. Provides for a hardship waiver for employers that demonstrate that providing paid sick leave threatens the financial viability of the employer, jeopardizes the ability of the employer to sustain operations, significantly degrades the quality of the employer's business operations, or creates a significant negative financial impact on the employer. Requires the Commissioner of Labor and Industry to promulgate regulations that (a) identify workers as essential based on the categories listed in the bill; (b) include reasonable requirements for recordkeeping, confidentiality, and notifying employees of their rights under provisions of the bill; (c) establish complaint, investigation, and enforcement procedures that include fines, not to exceed \$500, for violations of provisions of the bill; (d) establish requirements for compensation and accrual of paid sick leave for employees employed and compensated on a fee-for-service basis; and (e) include procedures and requirements for an employer to qualify for a hardship waiver. Does not apply to a retail business with fewer than 25 employees.

**HB 2207 & SB 1375 Workers' compensation; presumption of compensability for COVID-19.**

Establishes a presumption that COVID-19 causing the death or disability of firefighters, emergency medical services personnel, law-enforcement officers, correctional officers, and regional jail officers is an occupational disease compensable under the Workers' Compensation Act. Provides that such presumption applies to any death or disability occurring on or after September 1, 2020, caused by infection from the COVID-19 virus, provided that for any such death or disability that occurred on or after September 1, 2020, and prior to December 31, 2021, the claimant received a diagnosis of COVID-19 from a licensed physician, after either a presumptive positive test or a laboratory confirmed test for COVID-19, and presented with signs and symptoms of COVID-19 that required medical treatment. Identical to SB 1375.

## Other

### **HB 1775 State Corporation Commission; access to local land records.**

Adds the State Corporation Commission to the list of agencies that are exempt from paying fees for remote access to local land records.

### **HB 1789 Auditor of Public Accounts; audits of certain political subdivisions.**

Extends from three months to five months after the end of a fiscal year the period within which certain authorities, commissions, districts, or other political subdivisions with an unelected governing body must have an annual financial transactions audit performed and filed with the Auditor of Public Accounts. The bill retains the three-month audit requirement for each authority, commission, district, or other political subdivision with an unelected governing body and which is required to be reported in the Commonwealth's Comprehensive Annual Financial Report as determined by the State Comptroller and the Auditor of Public Accounts.

### **HB 1801 Disposing of litter; penalty.**

Increases the minimum fine for dumping or disposing of litter, trash, or other unsightly matter on public or private property from \$250 to \$500.

### **HB 1804 State parks; DCR to develop recommendations for funding, report.**

Directs the Department of Conservation and Recreation to develop recommendations for dedicated sources of funding for state parks that will be relatively stable from year to year. The Department shall submit its recommendations to the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources, the House Committee on Appropriations, the Senate Committee on Agriculture, Conservation and Natural Resources, and the Senate Committee on Finance and Appropriations by November 1, 2021.

### **HB 1812 Casino gaming; technical amendments.**

Makes technical amendments to the casino gaming law related to its interaction with sports betting law, the capital investment required of an applicant for a license, authorized closed meetings under the Virginia Freedom of Information Act, and the frequency of the distribution of tax revenues to cities. The bill also requires applicants for operator's licenses to submit (i) a minority investment plan disclosing any equity interest owed by a minority individual or minority-owned business or the applicant's efforts to seek equity investment from minority individuals or minority-owned businesses and (ii) a plan for the participation of minority individuals or minority-owned businesses in the applicant's purchase of goods and services related to the casino gaming establishment.

**HB 1814 Garnishment of wages; protected portion of disposable earnings.**

Provides that the Virginia minimum hourly wage shall be used to calculate the amount of a person's aggregate disposable earnings protected from garnishment if it is greater than the federal minimum hourly wage.

**HB 1821 Experiencing or reporting overdoses; prohibits arrest and prosecution.**

Prohibits the arrest or prosecution of an individual for the unlawful purchase, possession, or consumption of alcohol, possession of a controlled substance, possession of marijuana, intoxication in public, or possession of controlled paraphernalia if (i) such individual, in good faith, renders emergency care or assistance, including cardiopulmonary resuscitation (CPR) or the administration of naloxone or other opioid antagonist for overdose reversal, to an individual experiencing an overdose while another individual seeks or obtains emergency medical attention; (ii) such individual remains at the scene of the overdose or at any location to which he or the individual requiring emergency medical attention has been transported; (iii) such individual identifies himself to the law-enforcement officer who responds; and (iv) the evidence for a prosecution of one of the enumerated offenses would have been obtained only as a result of the individual's rendering emergency care or assistance. Current law prohibits arrest or prosecution for such offenses only to an individual who seeks or obtains emergency medical attention for himself or another individual or who is experiencing an overdose when another individual seeks or obtains emergency medical attention for him.

**HB 1824 Virginia Residential Property Disclosure Act; required disclosures for buyer to beware, mold.**

Adds to the provision of the required disclosure statement directing a buyer to beware and exercise necessary due diligence with respect to determining the condition of real property or any improvements thereon a provision advising the buyer to obtain a mold assessment conducted by a business that follows the guidelines provided by the U.S. Environmental Protection Agency.

**HB 1828 Commissioner of DMV; powers and duties during a declared state of emergency.**

Authorizes the Commissioner of the Department of Motor Vehicles, for the duration of a declared state of emergency and for up to 90 days after it has been rescinded or expires, to (i) extend the validity or delay the cancellation of driver's licenses, special identification cards, and vehicle registrations; (ii) extend the time frame during which a driver improvement clinic or payment plan may be completed; (iii) extend the maximum number of days of residency permitted before a new resident must be licensed in Virginia to operate a motor vehicle in the Commonwealth; and (iv) extend the time frame during which a new resident may operate a motor vehicle in the Commonwealth that has been registered in another jurisdiction before registering the vehicle in the Commonwealth.

### **HB 1843 Charitable gaming; increase in certain maximum allowable prize amounts.**

Increases the maximum allowable amount for a single bingo door prize from \$50 to \$250 and the maximum allowable cumulative door prizes in any one bingo session from \$250 to \$500. The bill allows up to 10 games per bingo session to feature a regular bingo or special bingo game prize of up to \$200. The bill increases the prize for a single instant bingo, pull tab, or seal card from \$1,000 to \$2,000. Finally, the bill increases from \$100 to \$200 the allowable amount of increase of a progressive prize per session in certain progressive bingo games. The bill requires the Department of Agriculture and Consumer Services, beginning July 1, 2024, and at least once every five years thereafter, to convene a stakeholder work group to review the limitations on prize amounts and provide any recommendations to the General Assembly by November 30 of the year in which the stakeholder work group is convened.

### **HB 1845 Alcoholic beverage control; license fee reform.**

Delays the effective date of the 2020 alcoholic beverage control license and fee reform from July 1, 2021, to January 1, 2022. During the period of delay and subject to certain requirements, the bill allows on-premises wine or beer licensees to sell wine or beer for off-premises consumption and allows such licensees, as well as off-premises wine or beer licensees, to deliver wine or beer that the licensee is authorized to sell without a delivery permit.

EMERGENCY

### **HB 1847 Sports betting; clarifies certain procedures.**

Clarifies the types of events on which sports betting is allowed. The bill clarifies that a permit issued to a casino operator shall not count toward the maximum of 12 permits that the Director of the Virginia Lottery can issue and makes technical amendments related to the interaction between sports betting law and casino gaming law.

### **HB 1848 Virginia Human Rights Acts; adds discrimination on the basis of disability.**

Adds discrimination on the basis of disability as an unlawful discriminatory practice under the Virginia Human Rights Act. The bill also requires employers, defined in the bill, to make reasonable accommodation to the known physical and mental impairments of an otherwise qualified person with a disability, if necessary to assist such person in performing a particular job, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer. The bill also prohibits employers from taking any adverse action against an employee who requests or uses a reasonable accommodation, from denying employment or promotion opportunities to an otherwise qualified applicant or employee because such employer will be required to make reasonable accommodation to the applicant or employee, or from requiring an employee to take leave if another reasonable accommodation can be provided to the known limitations related to the disability.

**HB 1855 Mines, Minerals and Energy, Department of; renamed the Department of Energy.**

Renames the Department of Mines, Minerals and Energy as the Department of Energy. Within the Department, the bill renames the Division of Mined Land Reclamation as the Division of Mined Land Repurposing and renames the Division of Energy as the Division of Renewable Energy and Energy Efficiency. The bill makes substantive changes, removing the requirement that the Chief of the Division of Mines be appointed by the Governor and authorizing an employee other than the Virginia Gas and Oil Inspector to serve as the principal executive of the staff of the Virginia Gas and Oil Board. Provides that the Chief Clean Energy Policy Advisor shall be appointed by the Governor. The bill removes or updates outdated language.

**HB 1879 & SB 1299 Alcoholic beverage control; sale and delivery of mixed beverages and pre-mixed wine.**

Allows distillers that have been appointed as agents of the Board of Directors (the Board) of the Virginia Alcoholic Beverage Control Authority (the Authority), mixed beverage restaurant licensees, and limited mixed beverage restaurant licensees to sell mixed beverages for off-premises consumption and deliver such mixed beverages to consumers subject to requirements set forth in the bill. The bill allows the Board to summarily revoke a licensee's privileges to sell and deliver mixed beverages for off-premises consumption for noncompliance with the requirements set forth in the bill or applicable provisions of current law. The bill also allows farm winery licensees to sell pre-mixed wine for off-premises consumption. The bill directs the Authority to convene a work group to study the sale and delivery of mixed beverages and pre-mixed wine for off-premises consumption and report its findings to the Chairmen of the House Committee on General Laws and the Senate Committee on Rehabilitation and Social Services by November 1, 2021. The provisions of this bill sunset on July 1, 2022.

**HB 1881 Enterprise zone job creation grants; wage requirements.**

Provides that, for purposes of wage requirements for the enterprise zone job creation grant program, the minimum wage shall be the higher of the state minimum wage or the federal minimum wage. The bill also reduces the percentage of the minimum wage that grant eligible jobs must meet. The bill has a delayed effective date of January 1, 2022.

**HB 1891 Annual safety and disaster awareness training; DHRM, et al., to develop an online training module.**

Requires the Department of Human Resource Management, in coordination with the Secretary of Health and Human Resources or his designee, to develop an online training module addressing safety and disaster awareness, including information on public health safety. The bill also requires that all state employees complete the training annually. The bill requires such training to be incorporated into existing mandatory training.



**HB 1923 & SB 1334 Broadband capacity; expands existing pilot program, municipal broadband authorities.**

Expands an existing pilot program under which Dominion Energy and Appalachian Power are authorized to provide broadband capacity to Internet service providers in areas of the Commonwealth that are unserved by broadband to include municipal Internet service providers. The current program is restricted to nongovernmental Internet service providers.

**HB 1942 Public adjusters; continuing education requirements.**

Provides for continuing education requirements for public adjusters and that the insurance continuing education board (the Board), appointed by the State Corporation Commission, is responsible for establishing and monitoring standards for such requirements. Currently, the Commission is given such responsibility and the Board is responsible for the continuing education requirements for other insurance agents and agencies. The bill maintains the current requirement that a public adjuster complete a minimum of 24 hours of approved credits, including three hours of ethics, on a biennial basis.

**HB 1943 & SB 1287 Charitable Gaming Board; regulations, electronic pull tabs.**

Prohibits the Charitable Gaming Board from promulgating regulations that prohibit the use of multiple video monitors or touchscreens on an electronic pull tab device and provides that the use of electronic pull tab devices utilizing multiple video monitors or touchscreens shall be limited to one player at a time.

**HB 1944 Casino gaming; requirements for issuance of operator's license, human trafficking training.**

Requires applicants for operator's licenses to have established a policy requiring all license and permit holders who interact directly with the public in the casino gaming establishment to complete training acceptable to the Virginia Lottery Department in how to recognize and report suspected human trafficking in order to be eligible for the issuance of an operator's license.

**HB 1961 Special identification cards; application by guardian.**

Authorizes the parent of any person under the age of 18 or the legal guardian of any person to apply for a special identification card on behalf of such person. Current law authorizes the parent or legal guardian of any person under 15 to apply for a card on behalf of such person.

**HB 1987 Telemedicine; coverage of telehealth services by an insurer, etc.**

Requires the Board of Medical Assistance Services to amend the state plan for medical assistance to provide for payment of medical assistance for remote patient monitoring services provided via telemedicine for certain high-risk patients, makes clear that nothing shall preclude

health insurance carriers from providing coverage for services delivered through real-time audio-only telephone that are not telemedicine, and clarifies rules around prescribing of Schedule II through VI drugs via telemedicine, including establishing a practitioner-patient relationship via telemedicine.

**HB 1988 Cannabis oil; processing and dispensing by pharmaceutical processors.**

Effects numerous changes to the processing and dispensing of cannabis oil by pharmaceutical processors in the Commonwealth. The bill defines the term "designated caregiver facility" and allows any staff member or employee of a designated caregiver facility to assist with the possession, acquisition, delivery, transfer, transportation, and administration of cannabis oil for any patients residing in the designated caregiver facility. The bill allows written certifications for use of cannabis oil to include an authentic electronic practitioner signature. The bill also eliminates the requirement that a pharmacist have oversight of the cultivation and processing areas of a pharmaceutical processor, instead requiring pharmaceutical processors to designate a person to oversee cultivation and production areas; removes the requirement that a cannabis dispensing facility undergo quarterly inspections, instead requiring that inspections occur no more than once annually; and allows pharmaceutical processors to remediate cannabis oil that fails any quality testing standard. The bill requires pharmaceutical processors to maintain evidence of criminal background checks for all employees and delivery agents of the pharmaceutical processor. The bill directs the Board of Pharmacy to promulgate regulations implementing the provisions of the bill and regulations creating reasonable restrictions on advertising and promotion by pharmaceutical processors by September 1, 2021.

**HB 1989 Public health emergency; emergency medical services agencies, real-time access to information.**

Directs the Department of Health to develop and implement a system for sharing information regarding confirmed cases of communicable diseases of public health threat with emergency medical services agencies in real time during a declared public health emergency related to a communicable disease of public health threat and with the Emergency Medical Services Advisory Board and regional emergency medical services councils upon request, in order to protect the health and safety of emergency medical services personnel and the public. The bill shall not become effective unless the Centers for Disease Control and Prevention approves a grant to the Commonwealth from the Epidemiology and Laboratory Capacity for Prevention and Control of emergency Infectious Diseases program that is sufficient to cover the costs to the Department of Health of establishing and implementing the information-sharing system created by the bill. The Department is directed to apply for such funding and report to the Governor and the General Assembly on the outcome of such application.

**HB 2007 Prescription drugs; price transparency, definitions.**

Directs the Department of Health to enter into a contract or an agreement with a nonprofit data services organization to collect, compile, and make available on its website information

about prescription drug pricing and requires every health carrier, pharmacy benefits manager, and drug manufacturer to report information about prescription drug prices to the nonprofit data services organization with which the Department of Health has entered into a contract for such purpose. The bill provides that in any case in which the Department determines that the data reported by health carriers, pharmacy benefit managers, and drug manufacturers is insufficient, the Department may require wholesale distributors to report certain data about prescription drug costs. The bill has a delayed effective date of January 1, 2022.

**HB 2040 Unemployment compensation; continuation of benefits, repayment of overpayments.**

Provides that an employer shall be deemed to have established a pattern of failing to respond timely or adequately to written requests for information relating to claims if the Virginia Employment Commission determines that the employer has failed to respond timely or adequately to a written request for information relating to a claim on two or more occasions within a 48-month window and requires such employer to pay a penalty upon his second such failure to respond timely or adequately. Under current law, such pattern is established after four failures, and the penalty is assessed after the third failure. The bill provides that if an employer fails to respond timely or adequately to a written request by the Commission for information relating to a claim, the employer forfeits any appeal rights to that claim. The bill provides that when a claimant has had a determination of initial eligibility for benefits, as determined by the issuance of compensation or waiting-week credit, payments shall continue, subject to a presumption of continued eligibility, until a determination is made that provides the claimant notice and an opportunity to be heard. The bill provides that the Commission shall waive the obligation to repay any overpayment if (i) the overpayment was made without fault on the part of the individual and (ii) requiring repayment would be contrary to equity and good conscience. The Commission shall have authority to negotiate the terms of repayment for any overpayment where repayment is not forgiven. Overpayments shall not be considered "without fault" if the overpayment was the result of (i) a reversal in the appeals process, unless the employer failed to respond or timely respond or (ii) a programming, technological, or automated system error that results in erroneous payments to a group of individuals. The bill also provides that the Commission shall notify each person with an unpaid overpayment of benefits that they may be entitled to a waiver of repayment and provide 30 days to request such a waiver. The bill applies to overpayments established for the week commencing March 15, 2020 through the week commencing June 26, 2021 and only to those overpayments that have not been fully or partially repaid. Finally, the bill allows the Commission to suspend or forego referring any overpayment to the collections process until June 30, 2022.

**HB 2061 VIIS; any health care provider in the Commonwealth that administers immunizations to participate.**

Requires any health care provider in the Commonwealth that administers immunizations to participate in the Virginia Immunization Information System (VIIS) and report patient

immunization history and information to VIIS. Under current law, participation in VIIS is optional for authorized health care entities. Delayed effective date of January 1, 2022.

**HB 2062 Food delivery platforms; agreements required, penalty.**

Prohibits a food delivery platform, as defined in the bill, from submitting orders on behalf of a consumer or arranging for the delivery of an order from a restaurant, as defined in the bill, without first obtaining an agreement with the restaurant expressly authorizing the food delivery platform to take orders and deliver food prepared by the restaurant. The bill provides that a violation of such agreement requirement is a prohibited practice under the Virginia Consumer Protection Act.

**HB 2101 GO Virginia Grants; matching funds, extends sunset provision.**

Delays from July 1, 2021, to July 1, 2022, the sunset of the provision of the Code of Virginia allowing a locality to use grant funds awarded by the Tobacco Region Revitalization Commission as matching funds for GO Virginia grants.

**HB 2105 Early childhood education; quality rating and improvement system participation.**

Delays until the 2022–2023 school year the requirement for all publicly funded early childhood education providers to participate in a quality rating and improvement system to be established by the Board of Education by July 1, 2021. The bill also delays from the fall of 2023 to the fall of 2024 the publication of initial quality ratings for such providers. The bill reinstates the School Readiness Committee and alters the composition and scope of the work of the School Readiness Committee.

**HB 2116 Funeral service licensees, etc.; priority for personal protective equipment and immunization, etc.**

Provides that in any case in which the Board of Health or Commissioner of Health has made an emergency order or regulation for the purpose of suppressing nuisances dangerous to the public health or a communicable, contagious, or infectious disease or other danger to the public life and health, funeral service licensees and persons employed by a funeral service establishment shall be included in any group afforded priority with regard to (i) access to personal protective equipment and (ii) administration of any vaccination against such communicable disease of public health threat during such emergency.

EMERGENCY

**HB 2124 COVID-19; DMAS shall deem testing, treatment, and vaccination to be emergency services.**

Directs the DMAS to, during a public health emergency related to COVID-19 declared by the United States Secretary of Health and Human Services, deem testing for, treatment of, and

vaccination against COVID-19 to be emergency services for which payment may be made pursuant to federal law for certain aliens not lawfully admitted for permanent residence.

**HB 2134 Employee classification; provision of personal protective equipment in response to a disaster.**

Prohibits the consideration, in any determination regarding whether an individual is an employee or independent contractor, for the purposes of a civil action for employment misclassification, unemployment compensation, and workers' compensation, of the provision of personal protective equipment by a hiring party to the individual in response to a disaster caused by a communicable disease of public health threat for which a state of emergency has been declared.

**HB 2206 Child Care Subsidy Program; expanding Program to serve more families.**

Provides that regulations governing the Child Care Subsidy Program (the Program) shall be amended to provide that (i) a family shall be eligible for assistance through the Program if the family's income does not exceed 85 percent of the state median income, the family includes at least one child who is five years of age or younger and has not yet started kindergarten, and the family meets all other income and eligibility requirements of the Program and (ii) job search activities shall be considered eligible activities for the purposes of the Program. Provides that a family determined to be eligible for assistance through the Program shall be eligible to receive assistance for a period of 12 months or until the family's household income exceeds 85 percent of the state median income, whichever occurs sooner. The Department of Social Services shall administer the program, as amended by the bill, in cooperation with the Department of Education. Contains an emergency clause and provides that the provisions of the bill shall be applicable to applications for assistance through the Program received prior to August 1, 2021.  
EMERGENCY

**HB 2284 Driving privileges, certain; Commissioner of DMV to reinstate privileges, waive fees.**

Directs the Commissioner of the Department of Motor Vehicles to reinstate driving privileges, and to waive fees related to the reinstatement, for individuals whose privileges were suspended prior to July 1, 2019, for failure to pay court fines and costs in other jurisdictions.

**HB 2304 & SB 1413 Phase I or Phase II electric utilities; provision of broadband capacity.**

Makes permanent the pilot program under which a Phase I or Phase II electric utility is permitted to petition the State Corporation Commission to provide broadband capacity to unserved areas of the Commonwealth. The bill expands the program to allow for the participation of municipalities and government-owned broadband authorities. The bill provides that investor-owned electric utilities may recover costs of and revenue generated from providing broadband capacity that serves as an electric grid transformation project in areas

unserved by broadband, as defined in the bill. The bill also consolidates the State Corporation Commission petition approval process into one hearing.

**HB 2307 & SB 1392 Consumer Data Protection Act; personal data rights of consumer, etc.**

Establishes a framework for controlling and processing personal data in the Commonwealth. The bill applies to all persons that conduct business in the Commonwealth and either (i) control or process personal data of at least 100,000 consumers or (ii) derive over 50 percent of gross revenue from the sale of personal data and control or process personal data of at least 25,000 consumers. The bill outlines responsibilities and privacy protection standards for data controllers and processors. The bill does not apply to state or local governmental entities and contains exceptions for certain types of data and information governed by federal law. The bill grants consumer rights to access, correct, delete, obtain a copy of personal data, and to opt out of the processing of personal data for the purposes of targeted advertising. The bill provides that the Attorney General has exclusive authority to enforce violations of the law, and the Consumer Privacy Fund is created to support this effort. The bill directs the Joint Commission on Technology and Science to establish a work group to review the provisions of this act and issues related to its implementation, and to report on its findings by November 1, 2021. The bill has a delayed effective date of January 1, 2023.

**HB 2311 Objects of antiquity; unlawful to remove from battlefield, penalty.**

Adds land owned by a battlefield preservation organization and land on which such organization holds an easement to the category of lands on which it is unlawful to intentionally damage, disturb, or remove any object of antiquity. Current law prohibits such acts on any designated state archaeological site or on state-controlled land and provides that a violation of the prohibition is a Class 1 misdemeanor.

**SB 1108 General district courts; jurisdictional limits.**

Increases from \$25,000 to \$50,000 the maximum civil jurisdictional limit of general district courts for civil actions for personal injury and wrongful death.

**SB 1365 Data Governance and Analytics, Office of; created.**

Creates the Office of Data Governance (the Office) in the Office of the Secretary of Administration, to be directed by the existing Chief Data Officer of the Commonwealth. The Office is charged with overseeing general data governance in the Commonwealth, as well as developing and managing the Commonwealth Data Trust, a multi-stakeholder data exchange and analytics platform. A multi-level governance structure is established to govern the Trust. The bill also establishes the advisory Virginia Data Commission to advise the Office on issues relating to data sharing.