

Council Member Proposals for 2022 Legislative Agenda Not Recommended

The following items were not recommended for inclusion in the 2022 legislative program for the reasons cited:

Councilor Ann Frances Lambert

1. **Raising Council Salaries** – a) Raise Council salary to include its ability to raise it similar to Henrico County and with the salary level closer to Henrico. b) Provide payment for boards and commissions c) Recognizing Council's role as a full-time job. **Recommend that this be Included as part of charter revision package. Also checking to see if Delegate Sally Hudson is going to reintroduce a bill to increase the statewide cap on these salaries. An amendment in this Code of Virginia section may be forthcoming to deal with a technical issue resulting in the change to municipal elections (for some localities/not Richmond) from May to November.**
2. **Changing the local composite Index** (funding formula for RPS). **Recommend deferring pending outcome of the JLARC study on the true cost of public education. Two-year study with initial report due November 2022 and final report November 2023.**

Councilor Ellen Robertson

Poverty and Human Services:

3. Implement a State Child Tax Credit for families of Poverty. **A similar temporary credit currently exists under federal law. Pending federal legislation would extend this credit into the future. Recommend deferral until the federal issue is settled.**

Education:

4. Educational grant funding for alternative education and enrichment programs for children not achieving grade level for reading and math to provide alternative options for education choices such as offering the per dollar amount allocated to students to be used for tuition in other education school choices. **The Virginia Board of Education has proposed a change in the Standards of Quality that would increase the required reading specialists in the early grades. Funding has also been made available under the various K-12 federal Covid Relief programs that provide increased resources for reading and math deficiencies. Recommend deferral.**

Housing and Government:

5. Give local government authority to abate or exempt non-profit and for profits housing coalition of real estate taxes on affordable housing up to 30 years. **Legislation was passed at the City's request in the 2020 session that increases the maximum duration of a local real estate tax exemption for structures in redevelopment or conservation areas or rehabilitation districts from 15 to 30 years. Recommend deferral.**
6. Grant property owners the authority to abate taxes if properties are placed in a housing trust which guarantees affordable housing. **The locality would require authority to implement a program like this. Additional and substantial research is required. Recommend deferral.**

7. Legislation to support inclusive zoning and housing policies locally and regionally. **Have not included this specific item because the 2020 General Assembly passed Senator McClellan and Delegate Carr inclusionary zoning/ADU statute.**
8. Require all multi-family private and public developments to have open green space vs paved surface ratios in relationship to the population and/or the number of units within the boundaries of the development. **City may already have authority to require this under existing land use and building regulation authority. Recommend deferral.**
9. Authorize localities to provide performance grants for the development of affordable housing. **Checking to see if the City already possesses the authority to do this with monies in its Affordable Housing Fund. Recommend deferral.**
10. Create an urban initiative aimed at promoting weatherization of homes and training a green workforce. **This can currently be accomplished. The Commonwealth, through the Department of Housing and Community Development already has weatherization grant programs and the City has workforce development programs through the Community Wealth Building initiative. Recommend that development of a program through these sources be explored. Recommend deferral at this time.**

Government Policy:

11. Require all local governments to have approved Standard Operational Procedures and updated annually. **City can already do this without state legislation. Recommend deferral.**
12. Give local government and universities the authority to have more flexibility to use social criteria in procurement decisions to allow social enterprises and other firms committed to hiring local residents at living wages – **Need additional research on the specificity of “social criteria” since preferential procurement issues tend to become complex legally. Recommend deferral.**
13. To grant local authority to protect contract obligations with subcontractor meeting minority goal participation. **Need additional research and more information as to the problem that this is trying to address. May be an issue the City can address through contract language. Recommend deferral.**
14. Mandatory penalty for a convicted criminal who commit a crime with a gun and/or illegal gun to receive a mandatory penalty. **This is already state law.**
15. Mandatory employer paid sick leave or work leave for COVID-19 up to 72 hours post vaccine. **Pending federal legislation may negate the need for state action. Recommend deferral.**

Councilor Katherine Jordan

Unsafe vehicles and traffic safety:

16. Place limitations on size of modified/lifted trucks and vehicles that pose a danger to other motorists, pedestrians, and cyclists. Regulate via yearly inspections. **This is already state law.**
17. Place limitations on modifications (mufflers etc) for any vehicles that increase emissions and/or sound and pose a danger to other motorists, pedestrians, and cyclists. Regulate via yearly inspections. **This is already state law.**
18. Provide additional supports for localities enforcing the illegal use of ATVs, dirt bikes, and other non-road legal vehicles on public roads via grants for air and photo enforcement, and partnerships with Virginia State Police and VDOT. **DMV has existing highway safety grant programs to assist**

local governments increased traffic safety enforcement efforts. The City has the authority to partner with VSP and currently does so on criminal matters. VDOT does not have responsibility for City maintained streets and would not be a willing partner. Recommend deferral.

Renewable energy and EV readiness:

19. State grant and financing supports for localities to pursue creation and maintenance of renewable energy infrastructure and to incentivize transition of nonrenewable utilities/appliances/equipment to electric and renewable sources of energy. The Commonwealth's primary focus in this area is expanding alternative energy generation capacity to meet established carbon reduction goals through its public utility regulatory power while relying on utility-based programs and available federal tax incentives to incentivize various residential energy efficiency efforts. Detailed policies beyond these efforts have not been enacted by the General Assembly. Additional there is pending federal legislation that would accomplish this. We recommend the request be deferred until those policies are established.
20. State grant and financing supports for localities to pursue creation and maintenance of publicly owned electric vehicle charging infrastructure, and to fund incentives for private and residential development of EV readiness infrastructure. Additional bonuses for solar infrastructure. The Commonwealth's current policy for sustainable transportation currently supports a variety of alternative fuel projects across the Commonwealth. These fuels include biodiesel, ethanol, propane/LPG, compressed natural gas (CNG), and electricity. A statewide goal for electric vehicle charging infrastructure remains under development. Further policies beyond these have not been enacted by the General Assembly. Additional there is pending federal legislation that would accomplish this. We recommend the request be deferred until more detailed state policies are established.
21. Assist localities with the development of permitting processes for the provision of residential EV charging infrastructure. Need more information as to the nature of the problem this is trying to address since land use decisions and constructing permitting are local functions. Recommend deferral.

Councilor Cynthia Newbille

22. **Inclusionary Zoning/Affordable Housing** – The City of Richmond should be given the authority to adopt an affordable housing dwelling unit/inclusionary zoning program that is responsive to the demands of the Richmond market. Have not included this specific item because the 2020 General Assembly passed Sen. McClellan and Del. Carr's inclusionary zoning/ADU statute. Recommend deferral.
23. **Expand Medicaid** to Include Oral Health/Dental Services in the State Medicaid Plan- Support the inclusion of oral health and dental services for adults enrolled in Virginia's Medicaid service plan. Already accomplished. Dental coverage is now available for adults! Smiles for Children (SFC) is Virginia's Medicaid and FAMIS dental program for adults and children. The SFC program is managed by Dentaquest.
24. **Local Composite Index of Ability to Pay* (LCI)** – Review the LCI formula to identify the demands on local revenue for serving a high percentage of at-risk children. The LCI formula is heavily weighted towards real property values, adjusted gross income and taxable sales. A few outliers can easily skew these factors resulting in a representation of greater wealth than actually exists. The formula also does not include elements that recognize the demands on local revenue for serving a high percentage of at-risk children. The LCI should be revised to include the additional demands on a division's available local resources required to serve a large at-risk student

population. Recommend waiting pending outcome of the JLARC study on the true cost of public education. Two-year study with initial report due November 2022 and final report November 2023. Recommend deferral.

Questions from Council Members


25. Councilor Jordan would like to propose, either via the charter review, or via the Council re-org study process, the implementation of a Division of Legislative Services, whose sole role is to research legislative requests, draft legislation, and coordinate with Council and administration offices. This change would formally remove the drafting responsibility from the City Attorney's office, and would establish this office as an independent office within the Council organizational framework.

This is a charter issue and should be considered as a part of that effort. Recommend deferral.

26. Councilor Jordan asked "Are there additional state level legislative and budgetary tools to promote entry level and first-time home ownership? And, have incentives for conversion of apartments to condos been explored as an option?"

There are numerous such programs currently in existence. See info linked below to Virginia Housing resources as well as info from the Partnership for Housing Affordability:

<https://pharva.com/framework/solutions/#1578340049646-ad3e22a7-f255>

<https://www.vhda.com/Programs/Pages/Programs.aspx> 

The Black homeownership rate in Virginia is lower today than it was 50 years ago, reflecting the major institutional and structural factors maintaining the racial homeownership and wealth gaps. There is an extremely tight homebuying market for smaller, modestly priced starter homes that keeps many from obtaining homeownership. As millennials "grow up" and baby boomers seek to downsize, there will be an increased demand for smaller homes available for purchase in denser, amenity-rich neighborhoods.

- a. **Solution 2-A***: Support and expand the community land trust homeownership model.
- b. **Solution 2-B***: Create a regional center for homeownership that is a one-stop resource hub.
- c. **Solution 2-C***: Build a region-wide, racially equitable homeownership program.
- d. **Solution 2-D***: Reduce land cost per home by encouraging higher density homeownership, including smaller, innovative home types.
- e. **Solution 2-E**: Increase the number of residential zoning districts where manufactured homes are permitted.
- f. **Solution 2-F**: Adopt transfer of development rights (TDR) programs to increase housing options.
- g. **Solution 2-G**: Build smaller, less expensive homes to meet market demand and replace poor-quality housing.
- h. **Solution 2-H**: Support and expand the regional land bank to create more options for housing development.
- i. **Solution 2-I**: Increase the number of non-traditional homeownership units across the region (e.g. co-housing, cooperatives, etc.)

27. Councilor Jordan has asked about reforming the Road-Way calculation of State Contribution to the City/Localities. The state government supports roadway maintenance using calculations that may costs the City when it adds road-side parking and bicycle lanes thereby removing that pavement from moving auto traffic use. Can State highway/roadway maintenance calculations be modified to include roadway that is not moving automobile traffic?

Under Virginia law, the amount of money a city gets from the state annually to maintain its roads is tied to how many miles of travel lanes are in that locality. When the City of Richmond converts a lane for cars to one for bikes or buses, it loses money. The 2015 General Assembly shot down a legislative proposal from then Delegate Manoli Loupassi which would have allowed cities to maintain full funding when they convert lanes (bicycle and transit). However, they offered a compromise, passing a Richmond-specific exemption that expired July 1, 2016. We are unsure whether the City of Richmond was successful in getting all their bike and transit lanes converted over in time. Recommend inclusion of the 2021 support statement on this issue.

28. Councilor Addison asked about pay parity between public defenders with prosecutors in the State Budget. Prosecutors' offices are in part paid by the State Compensation Board, like other constitutional officers (Sheriffs, Clerk of Courts, Treasurers, etc). Can public defender salaries be increased, using State funds, so that they are at parity with prosecutors?

The salaries of Virginia's Commonwealth Attorneys and their assistants are paid in their entirety by the Virginia Compensation Board, which sets a base salary and the number of state authorized positions that it will pay for. The same is done for the other state constitutional officers like sheriffs, clerk of the court, treasurers, and commissioners of the revenue, as well as for regional jails. Numerous Virginia local governments opt to supplement this state funding to provide additional personnel and/or higher salaries. Public Defenders are employees of the Virginia Indigent Defense Commission and as such are state employees whose salaries and benefits are also paid by the Commonwealth. In contrast to the practice for Commonwealth's attorneys, few local governments have opted to provide a supplement for additional staff and/or higher salaries for Public Defender offices. This has resulted in significant pay disparities in the localities that provide salary supplements. Delegate Jeff Bourne introduced a bill in 2020 that would have mandated that local governments providing a pay supplement to their Commonwealth Attorneys offices provide the same level of supplement to its public defenders. This was viewed by Commonwealth Attorneys as unfair fearing that, among other things, local governments would then reduce their supplements. The Virginia First Cities Coalition, of which Richmond is a member, testified against the bill, stating that they did not want these costs shifted back to the local government. However, any increase provided by the state in Public Defender salaries will be met with a similar demand by the Commonwealth's Attorneys and the cycle would simply continue. The City might consider whether to support the concept advanced by Delegate Bourne as an alternative. For the first time, the city approved a pay supplement for the local Public Defender office in its FY 2022 budget. Recommend deferral.

29. Councilor Addison asked about the Right to Counsel for Evictions. Can Richmond join a pilot program in Charlottesville that supports legal counsel for person facing eviction? Does this program need General Assembly action. Some reports are that Charlottesville uses federal pandemic relief funds for this.

This was done through Charlottesville City Council using local funds. Here's what the Legal Aid Justice Center said in a July press release re the C'ville program: The City's program is to expand direct legal services to address the immediate eviction crisis while also building long-term strategies for preventing eviction and displacement over the long-term. If paired with a match from Albemarle County, the program would run for three years. We would like to clarify that the level of funding appropriated is insufficient to guarantee counsel for all those facing eviction. A true right-to-counsel program that provides full representation to 100% of individuals and families facing eviction would take a massive amount of additional resources and still would not change the underlying dynamics of the lack of affordable housing options. Right to counsel would also require legal, policy and procedural changes, some of which may require state-level action that embeds shelter as not just a human right but also a legally protected one. The City included support for this in its 2021 legislative program and we would recommend that it do so again.

