



## City of Richmond Final Report - General Assembly 2022 July 25, 2022 City Council Informal Session

### TABLE OF CONTENTS

<b>I.</b>	<b>City Legislative Program Bills</b>	<b>2</b>
<b>II.</b>	<b>State Budget/City of Richmond Impacts</b>	<b>5</b>
<b>III.</b>	<b>RPS/K-12 Funding Drivers</b>	<b>9</b>
<b>IV.</b>	<b>Bills of Interest That Passed</b>	
	Children's Services Act	10
	Education	10
	Energy	14
	Environment and Water Resources	16
	Building Codes	19
	Housing	19
	Elections & Redistricting	22
	Eminent Domain	23
	FOIA	24
	Local Authority	26
	Local Revenue	28
	State Revenue	30
	Mental Health	31
	Planning and Land Use	33
	Social Services	34
	Transportation	37
	Other Issues	38

## CITY LEGISLATIVE PROGRAM BILLS

<u>Bills</u>	Last action	Date
<b>CASINO</b>		
<del><a href="#">SB 203</a> - <a href="#">Morrissey</a> - Casino gaming; eligible host cities, limits on local referendums.</del>	State budget has language regarding the casino and referendum.	02/11/22
<del><a href="#">HB 1134</a> - <a href="#">Taylor</a> - Casino gaming; eligible host cities, limits on local referendums.</del>	HB 1134 was heard in subcommittee of General Laws on 2/10/22. <b>Del. Taylor bill was left in General Laws</b>	02/15/22
<b>CSO</b>		
<del><a href="#">SB 354</a> - <a href="#">Stuart</a> - James River watershed; timeline for compliance w/reg. of certain combined sewer overflow outfalls.</del>	<b>Subcommittee failed to recommend reporting (4-Y 5-N)</b> <b>House: Subcommittee recommends referring to Committee on Appropriations</b>	03/03/22
<b>Firearms/Public Bldgs</b>		
<a href="#">SB 487</a> - <a href="#">McClellan</a> - Firearm Violence Intervention and Prevention, Virginia Center; established.	Mayor Stoney to GA leadership: Support establishing a Center for Firearms Violence Intervention and Prevention. <b>See state budget actions to support the Center</b>	03/12/22
<del><a href="#">SB 74</a> - <a href="#">Chase</a> - Firearms; control by localities of possession or carrying.</del>	<del>(S) Passed by indefinitely in Judiciary (9-Y 6-N)</del>	01/26/22
<del><a href="#">HB 827</a> - <a href="#">Wilt</a> - Firearms; control by localities of possession or carrying.</del>	<del>(S) Passed by indefinitely in Judiciary (9-Y 6-N)</del>	02/28/22
<b>Transportation/Vehicles</b>		
<a href="#">HB 632</a> - <a href="#">Carr</a> - Exhaust systems; excessive noise.	Bill Passed <a href="#">HB 632</a> .	04/11/22
<del><a href="#">HB 630</a> - <a href="#">Hudson</a> - Photo speed monitoring devices; locality designated highway segments.</del>	<del>(H) Subcommittee recommends laying on the table (9-Y 1-N)</del>	01/27/22
<del><a href="#">HB 367</a> - <a href="#">Watts</a> - Exhaust systems; excessive noise.</del>	<del>(H) Subcommittee recommends laying on the table (4-Y 2-N)</del>	02/03/22
<del><a href="#">SB 180</a> - <a href="#">Saslaw</a> - Exhaust systems; excessive noise.</del>	<del>(S) Stricken at request of Patron in Transportation (14-Y 0-N)</del>	02/03/22

<del><a href="#">HB 747</a> - <a href="#">Bell</a> - Photo speed monitoring devices; locality designated highway segments.</del>	<del>(H) Subcommittee recommends laying on the table (10-Y 0-N)</del>	01/27/22
<del><a href="#">SB 334</a> - <a href="#">Bell</a> - Photo speed monitoring devices; localities, locations.</del>	<del>(S) Failed to report (defeated) in Transportation (5-Y 9-N 1-A)</del>	01/20/22
<b>Legislative Program Bills</b>		
<del><a href="#">HB 1227</a> - <a href="#">McQuinn</a> - Housing authorities; appointment of commissioners, exception.</del>	<del>(H) Assigned GL sub: Subcommittee #2. Failed to report the bill 2/3/22.</del>	02/03/22
<del><a href="#">HB 635</a> - <a href="#">Carr</a> - Inclusionary housing; zoning.</del>	<del>Bill has been carried over for the year and patron would like to bring Richmond and Alexandria officials together with Va Homebuilders at the state and Richmond level to work on this.</del>	02/10/22
<a href="#">SB 648</a> - <a href="#">McPike</a> - Real property tax; exemption for the elderly and handicapped. Provides that any locality may by ordinance accept documentation establishing eligibility for the real property tax exemption for the elderly and handicapped on a rolling basis throughout the year. Current law states that localities shall accept such documentation after January 1 but before April 1 or a later date fixed by ordinance.	<b>Passed Senate 39-0. Passed House 99-0. Signed by the Speaker of the House, signed by President of the Senate. As-passed bill found <a href="#">HERE</a>.</b>	03/08/22
<del><a href="#">HJ 58</a> - <a href="#">Carr</a> - Constitutional amendment; taxation and finance, longtime owner-occupant tax relief program.</del>	<del><b>Carried over for next year when it is properly in order for constitutional amendments. We knew this might be the case, but did want to “socialize” it.</b></del>	02/11/22
<b>Marcus Alert</b>		
<a href="#">HB 1191</a> - <a href="#">Ransone</a> - Marcus alert system; participation in the system is optional for localities, etc.	03/11/22 Senate: Conference report agreed to by Senate (39-Y 1-N)  03/11/22 House: Conference report agreed to by House (51-Y 47-N)  <b>As-passed bill found <a href="#">HERE</a>. See information in narrative above</b>	03/11/22

<b><u>SB 361</u></b> - <u>Stuart</u> - Marcus alert system; optional participation, voluntary database.	<p><b>03/11/22</b> House: Conference report agreed to by House (51-Y 47-N)</p> <p><b>03/11/22</b> Senate: Conference report agreed to by Senate (39-Y 1-N)</p> <p>As-passed bill found <a href="#">HERE</a>. See information in narrative above</p>	03/11/22
<b>Utilities/DPU</b>		
<b><u>HB 1257</u></b> - <u>Kilgore</u> - Natural gas utilities; retail supply choice.	A very different bill emerged from conference committee on 4/27/22. As-passed bill found <a href="#">HERE</a>	04/22/22
<b><u>SB 694</u></b> - <u>Obenshain</u> - Eminent domain; various changes to the laws pertaining to condemnation procedures.	<p>The bill went to a conference committee and passed both chambers on 3/11/22. See narrative description above.</p> <p>As-passed bill found <a href="#">HERE</a>.</p>	03/11/22
<b>Other</b>		
<del><b><u>SB 730</u></b> - <u>Lewis</u> - Jurors; increases the daily compensation.</del>	<p><del><b><u>Reported from House committee and referred to Appropriations.</u></b></del> <b>Tabled in Appropriations (13-Y 9-N)</b></p> <p>Theoretically, the bill could emerge from the budget conference committee as a budgeted item, as the Senate budget did include it.</p>	03/07/22
<del><b><u>HB 778</u></b> - <u>Williams</u> - Monument and memorials; relocation.</del>	<del>(H) Carried over to the 2023 General Assembly.</del>	02/11/22

## STATE BUDGET

Governor Youngkin signed the state budget in mid-June 2022, just under the wire for the start of the new fiscal year,

As previously reported, the Governor recommended many amendments to the state budget. However, none of the Governor's amendments touched the areas directly on the City of Richmond's legislative program for the 2022 General Assembly Session. Significantly, though, the Governor's amendments would have suspended the state gas tax for three months and capped future inflationary increases at 2 percent (it failed to pass the Senate), loosened the rules for eligibility (passed) and diverted local funding (a la charter schools .... failed) for K-12 college laboratory schools, as well as amend the application of sentencing credits for prisoners thereby reducing the number of inmates scheduled for released this summer by 500 inmates.

The governor's changes to both the budget bills (HB 29-FY 22 and HB 30-FY23 and FY24) increased revenues by \$35 million resulting from 1) the fiscal impact of conforming the state budget to the current federal tax laws and 2) savings of unspent emergency funding. Most of this increase was left unspent and simply increased the amount of the unappropriated general fund balance. Of note, the gas tax suspension was estimated to cost \$437 million in transportation revenues and there was no proposal to replace these funds.

Here are areas of the state budget of interest to the City according to the 2022 Legislative Program.

### Budget Items from Legislative Program

Description	Final Budget
<b>Redevelopment of Creighton Court/Transformation of Public Housing Morrissey</b> (\$13.5M each year)	No action
<b>James River Master Plan Eco &amp; Historical Tourism</b> Adams/McClellan \$15M each year	No action

Description	Final Budget
<b>Richmond Combined Sewer Overflow</b> Introduced Budget/Gov Northam ARPA \$100 M	<p><b>HB 29 - <u>\$50 million FY22</u> ARPA to be matched by the City with an equal amount.</b></p> <p><b>HB 30 - <u>\$100 million FY 23</u></b></p>
<b>Lead Service Line Replacement Funding</b>	No action
<b>Richmond Casino Referendum</b>	<p><b><u>HB 30 Item 494 F.</u></b> Notwithstanding § <u>58.1-4123</u>, Code of Virginia, for any eligible host city that has not passed a referendum on <b>casino</b> gaming prior to July 1, 2022, the department shall not grant any initial license to operate a gaming operation unless a referendum is held on or after November 1, 2023 on the question of whether <b>casino</b> gaming shall be permitted in such city and is approved by the voters of such city.</p> <p><b><u>HB 29 – Item 32 L.</u></b> The Joint Legislative Audit and Review Commission shall engage, on a limited basis, the professional and technical consultants retained for the November 2019 Report "Gaming in the Commonwealth" for a limited review of the potential state and local revenues that may be generated from a <b>casino</b> located in the City of Petersburg, including any potential negative revenue impact on <b>casinos</b> located in other authorized host cities.</p> <p><b><u>HB 30 – Item 36 J.</u></b> The Joint Legislative Audit and Review Commission shall engage, on a limited basis, the professional and technical consultants retained for the November 2019 Report "Gaming in the Commonwealth" for a limited review of the potential state and local revenues that may be generated from a <b>casino</b> located in the City of Petersburg, including any potential negative revenue impact on <b>casinos</b> located in other authorized host cities.</p> <p><b><u>HB 29 Item 4-8.03</u></b> LOCAL GOVERNMENTS - c. No locality that has been previously authorized as an eligible host city pursuant to § <u>58.1-4107</u>, Code of Virginia, to conduct <b>casino</b> gaming which held a local referendum on November 2, 2021, that failed, shall be eligible to hold a subsequent local referendum until November 2023.</p> <p><b><u>HB 30 Item 4-8.03</u></b> LOCAL GOVERNMENTS No locality that has been previously authorized as an eligible host city pursuant to § <u>58.1-4107</u>, Code of Virginia, to conduct <b>casino</b> gaming which held a local referendum on November 2, 2021, that failed, shall be eligible to hold a subsequent local referendum until November 2023.</p>

<b>Richmond Economic Development Projects</b>	<a href="#"><u>HB 30 Item 115 T.2-3.</u></a> Up to \$10,000,000 FY 24 may be used to help fund the construction of a life sciences lab building located at the Va Biotech Park in the City of Richmond; Up to \$5,000,000 the first year may be used to administer a one-time grant program designed to fund a key starting materials pilot project located in the central Va. At a minimum, criteria to award the grant shall include: (i) the company is headquartered in Virginia and (ii) the company has a chemical industrial site to stand up the program in either the Richmond Regional Planning District or the Crater Planning District. Any funding awards shall be used for the direct costs of key starting materials reactors, a centrifuge, and a dryer; As a condition of the award of any funding identified in paragraph T.2.a., the Virginia Biotech Research Partnership Authority shall provide evidence, to the satisfaction of the taskforce, Secretary of Commerce and Trade, and Secretary of Education of a commitment of funding from private or other non-state sources of not less than a like amount of any funding awarded.
---	---

### **Other City Related Budget Actions**

<b>Description</b>	<b>Final Budget</b>
<b>Fox Elementary School Recovery Efforts (through Va Dept. of Emergency Mgmt)</b>	While at one point the House budget had \$2 million in for Fox Elementary recovery and response, the final budget did not include any funding.
<b>Introduced Budget - CoStar Group approved by the MEI Commission 12/2021.</b>	<p><a href="#"><u>HB 29 Item 112 S.1- S-6</u></a> <b>\$15.0 million</b> FY 22 to support infrastructure site improvements for the CoStar project in downtown Richmond including commuter access and parking, pedestrian access, roadway and traffic improvements, safety enhancements, site preparation and utilities in the City of Richmond. These improvements will serve the existing and proposed facilities for a real property analytics firm (the Company) located in the City, the employees of the firm, and other visitors to the vicinity of the facilities.</p> <p><a href="#"><u>HB 30, Item 113 R</u></a> Restates that the State Comptroller shall continue the Property Analytics Firm Infrastructure Fund as established in Item 112, Paragraph S. of HB 29.</p>
<b>Slavery and Freedom Heritage Site</b>	<p><a href="#"><u>HB 30 Item 485 H.1 - 5</u></a></p> <p>Provides an additional <b>\$1.0 million</b> to the City of Richmond for the Slavery and Freedom Heritage Site. Very detailed instructions for funding and commitments hotlinked above.</p>

Description	Final Budget
<b>Moore Street School preservation and planning</b>	<p><a href="#"><u>HB 30 Item 386</u></a></p> <p>\$75,000 in FY2023 to the City of Richmond for the preservation of Moore Street School.</p>
<b>Street Maintenance Study &amp; Funding</b>	<p><a href="#"><u>HB 30 Item 456 G.</u></a></p> <p>VDOT shall conduct an evaluation of the conditions of city streets. The evaluation shall include (i) an assessment of the current conditions of pavements and bridges on city-maintained streets throughout the Commonwealth, (ii) a review of the current formula used for distributing city street payments including comparisons of age, condition, vehicles miles traveled relative to per mile payments, (iii) opportunities for efficiency through partnerships with the Department, and (iv) recommendations, if any, for revisions to the formula for the distribution of city street payments. The evaluation shall be complete no later than December 1, 2023.</p> <p><b>Funding:</b> <a href="#"><u>HB 30 Item 456 D.</u></a> The Department of Transportation shall report on an annual basis to the Commonwealth Transportation Board on the impact of adjusting the payments made as part of Financial Assistance to Localities distributions for inflation consistent with adjustments for highway system maintenance and operations.</p> <p><b>Funding boosted \$15 million in each FY 23 and FY 24</b></p>
<b>HB 599 Aid to Local Police</b>	<p><a href="#"><u>HB 30 Item 410</u></a> - Provides an additional \$19.1 million the first year and \$27.9 million the second year for the HB 599 program. This is to reflect the projected general fund revenue growth rate from the introduced budget (which did not include any increase)</p> <p><a href="#"><u>HB 30 ARPA Item 456 k.7</u></a> - \$75 million in FY 23 through DCJS for training and purchasing equipment &amp; supplies to support law enforcement related activities</p>
<b>Violence Prevention Programs</b>	<p>\$13.0 million over the biennium for community violence- focused grants programs at DCJS</p> <ul style="list-style-type: none"> <li>- \$5.0 million for the Operation Ceasefire Grant Fund</li> <li>- \$8.0 million for the Firearm Violence Intervention and Prevention Program</li> </ul>
<b>City of Richmond HBCU Innovation Center</b>	<p><a href="#"><u>HB 30 Item 144 V</u></a> - Provides \$2 million FY23 is designated for the creation and support of an Innovation Center at a Historically Black College or University in the City of Richmond. The Director, State Council of Higher Education for Virginia, shall transfer this funding to the City of Richmond for costs associated with the Innovation Center.</p>



## RICHMOND CITY SCHOOLS KEY FUNDING DRIVERS

2022-2024 BIENNIAL BUDGET		
BASE FY22	\$144,548,568 FY23* \$145,582,852 FY24*	<p><i>*Using House FY22 Base vs. HB/SB 30 Introduced base (\$200,729,150) because of the substantial reduction in Average Daily Membership (ADM) for RPS beginning in FY 23. RPS has served as the fiscal agent for Virtual Virginia for many years. Because of this, these students are counted in its ADM and RPS is compensated by the state through the direct aid formula for them. This has had the effect of artificially inflating the ADM for RPS and its share of state direct aid funding. The number of Virtual Virginia students ballooned from approximately 2,000 students to 7,520 during the pandemic. Beginning July 1, 2022, RPS will no longer serve as the agent for Virtual Virginia and these students will be removed from the RPS enrollment numbers along with the associated state funding. The Introduced budget base was inflated because it included funding for these additional students. The base used here reflects the removal of those Virtual Virginia students and associated state funding.</i></p> <p><i>On a larger policy level, the gap between the estimated school age population in the City and actual enrollment remains significant. The most recent estimate of school age population in the city is 29,219 while actual enrollment is just over 19,000. School age population is the basis for distributing the state 1% sales tax earmarked for public education. The population estimates are prepared annually by the Weldon Cooper Center for Public Service at the University of Virginia.</i></p> <p><i>**The significant rebenchmarking reduction is related to both a change in Richmond's LCI and also a reduced ADM related to RPS no longer being the fiscal agent for Virtual Virginia students. The LCI change was driven by an increase in the true value of real property from \$25.3 billion in the 2022-2024 rebenchmarking to \$29.5 billion for the 2020-2024 effort and a concurrent increase in adjusted gross income from \$6.2 billion to \$7.7 billion.</i></p>
REBENCHMARKING	(\$56,180,581)**	
REBENCHMARKING HOLD HARMLESS	\$4,729,951 FY23 \$4,698,149 FY24	
COMPENSATION ADJUSTMENT	5%/bonus (\$1,000 in FY22 only – ARPA funds) \$3,708,947 FY23 \$7,555,803 FY24	
AT-RISK ADD ON	Increase to 36% \$3,764,203 FY23 \$3,934,292 FY24	
SUPPORT STAFF FUNDING RATIO	\$1,739,140 FY23 \$2,476,533 FY24	
SOQ ELEMENATARY PRINCIPAL	\$186,432 FY23 \$184,337 FY24	
SOQ ADDITIONAL READING SPECIALISTS	\$586,279 FY23 \$592,367 FY24	
ESTIMATED DISTRIBUTION	\$167,850,395 FY23 \$167,016,905 FY24	
FY23/FY24 DISTRIBUTION COMPARISON	Overall distributions compared to FY22 Base: \$23,301,827 FY23 \$21,434,053 FY24	
PER PUPIL FUNDING	\$8,503 FY23 \$8,427 FY24	

## Children's Services Act

**HB 427/SB 435 Children's Services Act; community policy and management teams and family assessment, etc.** Removes provisions that prohibit a parent representative from serving as a member of a community policy and management team (CPMT) or a family assessment and planning team (FAPT) if such parent representative is employed by a public or private program that receives funds pursuant to the law or agencies represented on a FAPT or CPMT and interacts directly on a regular and daily basis with children or supervises employees who interact directly on a regular basis with children; however, the bill directs prioritization of participation by parent representatives who are not employed by a public or private program that receives funds pursuant to the law or agencies represented on a FAPT or CPMT. The bill directs the State Executive Council for Children's Services to inventory current efforts to recruit and retain parent representatives on CPMTs and FAPTs and compile a list of best practices for including and elevating parent voices within CPMTs and FAPTs for distribution to local Children's Services Act programs. The bill requires the State Executive Council for Children's Services to provide a copy of this report to the Chairmen of the Senate Committee on Rehabilitation and Social Services and the House Committee on Health, Welfare and Institutions no later than November 1, 2022.

## Education

**HB 4/SB 36 School principals; incident reports, written threats against school personnel, etc.** Requires that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense and report to the parents of any minor student who is the specific object of such act that the incident has been reported to law enforcement. Under current law, principals are required to make such reports only for such acts that may constitute a felony offense. The bill provides, as an exception to the requirement to report any written threats against school personnel while on a school bus, on school property, or at a school- sponsored activity, that a principal is not required but may report to the local law-enforcement agency any such incident committed by a student who has a disability.

**HB 127 Governor's Schools, academic year; certain practices prohibited and required.** Prohibits any academic year Governor's School or governing board member, director, administrator, or employee thereof from discriminating against any individual or group on the basis of race, sex, color, ethnicity, or national origin in the process of admitting students to such school. The bill requires each local school board that jointly manages and controls a regional academic year Governor's school to collaborate to ensure that each public middle school that is eligible to send students to attend such Governor's school offers coursework, curriculum, and instruction that is comparable in content and in rigor in order to provide each student in each such middle school with the opportunity to gain admission to and excel academically at such Governor's school.

**HB 197 Through-year growth assessment system; BOE to seek & incorporate input & suggestions into system.** Requires the Board of Education, in implementing the through-year growth assessment system for the administration of reading and mathematics assessments in grades three through eight, to seek input and suggestions from each interested local school division in the Commonwealth regarding ways in which the administration of such assessments and the reporting of assessment results can be improved, and shall, to the extent possible, incorporate such input and suggestions into the through-year growth assessment system.

**HB 215/SB 62 School Health Services Committee; established, membership, report, sunset provision.** Establishes the School Health Services Committee in the legislative branch to review and provide advice to the General Assembly and other policy makers regarding proposals that require local school boards to offer certain health services in a school setting. The bill requires the Committee to submit its findings and recommendations to the General Assembly and the Governor by October 1 of each year. The bill has an expiration date of July 1, 2025.

**HB 217 STEM and Computing (STEM+C); required to review federal occupational categories.** Requires the Virginia Economic Development Partnership Authority's Office of Education and Labor Market Alignment (the Office) to (i) review the occupational categories in the U.S. Bureau of Labor Statistics' standard occupational classification system to determine the occupational categories that are not properly captured in the Commonwealth's existing STEM+C workforce profile and the gaps in the Commonwealth's tracking of careers in these occupational categories for the purpose of furthering the Office's efforts to specifically align STEM+C workforce and education and (ii) share its findings with the Virginia Science, Technology, Engineering, and Mathematics (STEM) Education Advisory Board (the Board) for the purpose of better aligning K-16 education priorities and the Board's tracking and coordination of STEM+C. The bill requires the Office, in conducting such review, to focus on occupational categories that are not currently tracked or categorized by the U.S. Bureau of Labor Statistics as STEM+C career fields and to submit its findings and any recommendations to the General Assembly no later than October 1, 2022.

**HB 230/SB 154 Teachers; licensure by reciprocity for military spouses, timeline for determination.** Requires the Board of Education's licensure regulations to provide for licensure by reciprocity for any spouse of an active duty or reserve member of the Armed Forces of the United States or a member of the Virginia National Guard who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. Current law requires such regulations to provide for licensure by reciprocity for any spouse of an active duty member of the Armed Forces of the United States or the Commonwealth. The bill requires such an individual to submit an official copy of the military permanent assignment orders of the individual's spouse as part of the complete application packet. The bill requires the Department to determine and communicate such individual's eligibility for licensure by reciprocity within 15 business days of receipt of the complete application packet.

**HB 236 Teachers' licenses, certain; Board of Education permitted to temporarily extend.** Permits the Board of Education to grant a two-year extension of the license of any individual licensed by the Board of Education pursuant to its statutory authority whose license expires on June 30, 2022, in order to provide the individual with sufficient additional time to complete the requirements for licensure or license renewal. The bill contains an emergency clause.

**HB 418 Elementary and secondary education, public; at-risk add-on funds.** Removes Reading Recovery from the list of programs and initiatives for which school boards may use at-risk add-on funds.

**HB 829 School counselors; staffing ratios, flexibility.** Permits school boards to fulfill the staffing ratio requirements for school counselors by (i) employing, under a provisional license issued by the Department of Education for three school years with an allowance for an additional two-year extension with the approval of the division superintendent, any professional counselor licensed by the Board of Counseling, clinical social worker licensed by the Board of Social

Work, psychologist licensed by the Board of Psychology, or other licensed counseling professional with appropriate experience and training, provided that any such individual makes progress toward completing the requirements for full licensure as a school counselor during such period of employment or (ii) in the event that the school board does not receive any application from a licensed school counselor, professional counselor, clinical social worker, or psychologist or another licensed counseling professional with appropriate experience and training to fill a school counselor vacancy in the school division, entering into an annual contract with another entity for the provision of school counseling services by a licensed professional counselor, clinical social worker, or psychologist or another licensed counseling professional with appropriate experience and training.

**HB 1272 Public elementary and secondary schools, etc.; student instruction.** Requires, except in the case of the 10 unscheduled remote learning days otherwise permitted by law or in certain cases of student discipline, each school board to offer in-person instruction, as defined in the bill, to each student enrolled in the local school division in a public elementary or secondary school for at least the minimum number of required annual 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 permits, notwithstanding any other provision of law or any regulation, rule, or policy implemented by a school board, school division, school official, or other state or local authority, the parent of any child enrolled in a public elementary or secondary school, or in any school-based early childhood care and education program, to elect for such child to not wear a mask while on school property. The bill provides that no parent making such an election shall be required to provide a reason or any certification of the child's health or education status and no student shall suffer any adverse disciplinary or academic consequences as a result of this parental election. The bill clarifies that none of the foregoing provisions shall be construed to affect the authority granted to the Governor to achieve the purposes of relevant emergency services and disaster law with regard to a communicable disease of public health threat.

**HB 1299/SB 738 High school students; instruction concerning post-graduate opportunities.** Requires the Department of Education to collect and distribute to public schools and publicly post on its website information that assists high school students in making more informed decisions about their futures after graduating from high school and in doing so ensure that such students are aware of the costs and benefits of different educational and certificate programs. The bill directs the Department to annually collect and compile such information in consultation with the State Council of Higher Education for Virginia and any other entity that can assist the Department with collecting and compiling such information and to update its distribution materials accordingly each year. The bill requires the Department to post and distribute the information to school boards, with any relevant updates, no later than October 1 each year and requires each school board to ensure that the information is readily available to each high school student and distributed to each high school student who expresses an interest in attending an institution of higher education or completing another training program as described in the bill.

**SB 68 Provisional teacher licensure; teachers licensed or certified outside of the United States.** Permits the Board of Education to provide for the issuance of a provisional license, valid for a period not to exceed three years, to any individual who has held within the last five years a valid and officially issued and recognized license or certification to teach issued by an entity outside of the United States but does not meet the requirements for a renewable license if the individual's license or certification to teach has been evaluated and verified by an entity approved by the Department of Education. This bill is identical to HB 979.

**SB 78 Driver education programs; parent/student driver education component.** Requires the Board of Education to include an additional minimum 90-minute parent/student driver education component as part of the classroom portion of its driver education program for all public school divisions and provides that participation in such component shall be required in Planning District 8 (Northern Virginia) and shall be encouraged but shall not be required outside of Planning District 8. Under current law, participation in such parent/student driver education component is required in Planning District 8 and optional outside of Planning District 8. The bill also requires such parent/student driver education component to emphasize the dangers of distracted driving.

**SB 161 Heat-related illness; DOE to develop guidelines on policies to inform & educate coaches & athletes.** Directs the Department of Education, in conjunction with stakeholders, to develop guidelines on policies to inform and educate coaches and student athletes and their parents or guardians of the nature and risk of heat-related illness, how to recognize the signs of heat-related illness, and how to prevent heat-related illness to be distributed to local school divisions by August 1, 2022.

**SB 193 Child day programs; licensure, accredited private schools.** Adds to the list of child day programs not required to be licensed by the Superintendent of Public Instruction to operate in the Commonwealth programs offered by accredited private schools that are in good standing with the Virginia Council for Private Education and operate for no more than four hours per day. The bill provides that, to be exempt from licensure, such accredited private school programs must be staffed by the accredited private school's employees and attended by children who are at least five years of age and are enrolled in the school. The bill requires such programs to be subject to safety and supervisory standards established by the Virginia Council for Private Education.

**SB 649 Juvenile law-enforcement records; disclosures to school principals.** Changes from discretionary to mandatory that the chief of police of a city or chief of police or sheriff of a county disclose to a school principal all instances where a juvenile at the principal's school has been charged with a violent juvenile felony, an arson offense, or a concealed weapon offense and adds an offense that requires a juvenile intake officer to make a report with the school division superintendent to the list of such instances that must be disclosed to a school principal for the protection of the juvenile, his fellow students, and school personnel.

**SB 724 School board; broadband, annual report.** Requires, beginning in the 2022 school year and in each school year thereafter through the 2025 school year, each school board to submit an annual report to the Virginia Department of Education and the Virginia Department of Housing and Community Development listing each student's 9-1-1 address that does not have broadband access, as defined by the broadband guidelines set out by the Virginia Department of Housing and Community Development for its Virginia Telecommunication Initiative.

**SB 739 Public elementary and secondary schools, etc.; provision of in-person instruction.** Requires, except in the case of the 10 unscheduled remote learning days otherwise permitted by law or in certain cases of student discipline, each school board to offer in-person instruction, as defined in the bill, to each student enrolled in the local school division in a public elementary or secondary school for at least the minimum number of required annual 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 permits, notwithstanding any other provision of law or any regulation, rule, or



policy implemented by a school board, school division, school official, or other state or local authority, the parent of any child enrolled in a public elementary or secondary school, or in any school-based early childhood care and education program, to elect for such child to not wear a mask while on school property. The bill provides that no parent making such an election shall be required to provide a reason or any certification of the child's health or education status and no student shall suffer any adverse disciplinary or academic consequences as a result of this parental election. The bill requires each local school division to comply with the foregoing provisions relating to masks no later than March 1, 2022. The bill clarifies that none of the foregoing provisions shall be construed to affect the authority granted to the Governor to achieve the purposes of relevant emergency services and disaster law with regard to a communicable disease of public health threat. The bill contains an emergency clause.

**SB 774 School buses; commercial use.** Permits the school board of any school division to enter into agreements with any third-party logistics company to allow for the use of the school buses of such school division by such third-party logistics company but provides that such third-party logistics company shall not use the school buses to provide transportation of passengers for compensation or for residential delivery of products for compensation.

## Energy

**HB 396 Electric utilities; municipal net energy metering.** Updates provisions related to American Electric Power's participation in a municipal net energy metering pilot program and creates similar requirements for a municipal net energy metering pilot program for Dominion Energy Virginia, with a duration of the pilot program for Dominion Energy Virginia until July 1, 2028. The bill directs the State Corporation Commission to review the municipal net energy metering pilot program for Dominion Energy Virginia in 2024 and every two years thereafter. The bill clarifies that the aggregated capacity of generation facilities subject to a net metering pilot program conducted by any utility shall not be considered part of the aggregate net metering cap established pursuant to the Virginia Clean Economy Act. However, the aggregated capacity of generation facilities under each utility's pilot program that is part of a third-party power purchase agreement shall constitute a portion of the existing limit on pilot programs with third-party power purchase agreements.

**HB 405 Business park electric transmission infrastructure pilot program; location of qualifying projects.** Amends the definition of "business park" by adding that a business park may be established by a locality and by removing the requirement that a business park be located in an area of the Commonwealth designated as an opportunity zone by the U.S. Secretary of the Treasury via his delegation of authority to the Internal Revenue Service. The bill also removes the requirement that the location of a qualifying project for an existing pilot program to promote economic development in the Commonwealth by allowing Dominion Energy Virginia and Appalachian Power to complete the construction phase of electric transmission infrastructure for up to three business parks prior to the public announcement of a prospective occupant of the business parks be in an opportunity zone and provides that such a qualifying project may be within a business park in Planning District 19.

**HB 414/SB 280 Electric utilities, certain; local reliability data provided to a locality upon request.** Directs Dominion Energy Virginia to provide local reliability data within 30 days upon request by a locality located within the service territory of the utility. The State Corporation Commission shall include industry standard reliability metrics for Dominion Energy Virginia and a description of any infrastructure investments made by Dominion Energy Virginia to

improve electric service reliability as part of its report on electric generation, transmission, and distribution submitted annually to the General Assembly.

**HB 558/SB 565 Natural gas, biogas, and other gas sources of energy; definitions, energy conservation.** Permits natural gas utilities to include in their fuel portfolios, submitted to the State Corporation Commission to monitor fuel prices and purchases, supplemental or substitute forms of gas sources, defined in the bill, that meet certain standards and that reduce emissions intensity. The bill amends provisions of the Code related to conservation and energy efficiency programs, removes certain cost-effectiveness requirements for conservation and energy efficiency programs, and adds appliance rebates to the types of programs the Commission may consider. The bill expands conservation and ratemaking efficiency provisions of the Code that currently apply to natural gas consumption specifically to instead apply generally to energy consumption. Additionally, the bill directs the Department of Environmental Quality to convene a stakeholder work group to determine the feasibility of setting a statewide methane reduction goal and plan. The recommendations of the work group shall be reported to the General Assembly by July 1, 2023.

**HB 774/SB 499 Renewable energy facilities; SCC shall create a task force to analyze life cycle.** Directs the State Corporation Commission, in consultation with the Department of Energy and the Department of Environmental Quality, to create a task force to analyze the life cycle of renewable energy facilities in the Commonwealth. The State Corporation Commission shall report the findings of the task force to the Governor and the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources no later than May 1, 2023.

**HB 1087 Solar photovoltaic projects; local taxation for projects less than five megawatts or less.** Provides that generating equipment of solar photovoltaic projects five megawatts or less shall be taxable by a locality, at a rate determined by such locality, but shall not exceed the real estate rate applicable in that locality, and that the exemption shall be as follows: 80 percent of the assessed value in the first five years in service after commencement of commercial operation, 70 percent of the assessed value in the second five years in service, and 60 percent of the assessed value for all remaining years in service. The bill also provides that (i) solar photovoltaic projects five megawatts or less shall not be exempt from the assessment of a revenue share by ordinance of that locality and (ii) nothing in the bill shall be construed to authorize local taxation of generating or storage equipment of solar photovoltaic projects that serve the electricity needs of that property upon which such solar facilities are located. The bill does not apply to projects five megawatts or less that were approved by a locality prior to July 1, 2022.

**HB 1225/SB 13 Energy performance-based contracts; roof replacement.** Allows procurement of a roof replacement as part of a larger energy conservation or operational efficiency measure if such replacement is either necessary for the installation of such measure or if the contracting entity determines that the replacement of more than 20 percent of the roof is necessary to install such measure. The bill requires such procurement to be publicly noticed on the Department of General Services' central electronic procurement website. Such procurement shall be designed by a licensed architect or professional engineer. Current law prohibits the inclusion of a roof replacement project as part of an energy performance-based contract.

**HB 1257 Notice and sale prior to discontinuing natural gas utility service; municipal corporation.** Prior to any municipal corporation generally discontinuing natural gas utility service to any residential, commercial, or industrial customer, the municipal corporation shall

provide at least three years' notice and attempt to negotiate the sale of its system facilities and associated rights within two years. If no sale is accomplished within two years, the municipal corporation may offer its system facilities and associated rights by auction. The bill does not limit the rights of a municipal corporation that provides natural gas service from discontinuing service to a particular customer as the result of nonpayment of fees for services provided or any cause otherwise permitted by law or regulation.

**HB 1325 Local governments; additional powers, Commercial Property Assessed Clean Energy financing programs.** Changes the existing authorization for local governments to finance, by ordinance, clean energy, resiliency, and stormwater management programs to authorize the financing of eligible improvements to eligible properties, as defined in the bill, under C-PACE loan programs. The bill allows localities to delegate billing, collection, and remittance of C-PACE loan payments to a third party.

**SB 353 Emergency Shelters Upgrade Assistance Grant Fund; funds to be paid to certain entities.** Allows funds in the Emergency Shelters Upgrade Assistance Grant Fund to be paid to entities outlined in local shelter plans to install, maintain, or repair infrastructure for backup energy generation for emergency shelters, including solar energy generators, and improve the hazard- specific structural integrity of shelter facilities owned by the locality or identified in the shelter plan of the locality. This bill incorporates SB 521.

**SB 502 Solar photovoltaic projects; local taxation for projects less than five megawatts.** Provides that generating equipment of solar photovoltaic projects five megawatts or less shall be taxable by a locality, at a rate determined by such locality, but shall not exceed the real estate rate applicable in that locality, and that the exemption shall be as follows: 80 percent of the assessed value in the first five years in service after commencement of commercial operation, 70 percent of the assessed value in the second five years in service, and 60 percent of the assessed value for all remaining years in service. The bill also provides that (i) solar photovoltaic projects five megawatts or less shall not be exempt from the assessment of a revenue share by ordinance of that locality and (ii) nothing in the bill shall be construed to authorize local taxation of generating or storage equipment of solar photovoltaic projects that serve the electricity needs of that property upon which such solar facilities are located. If a locality assesses a revenue share on such projects, the amount of the exemption shall be 100 percent of the assessed value. The bill does not apply to projects five megawatts or less that were approved by a locality prior to July 1, 2022.

## **Environment and Water Resources**

**HB 49 James River; designates an additional portion as a component of Va. Scenic Rivers System.** Designates an additional 37-mile portion of the James River running through Nelson and Appomattox Counties as a component of the Virginia Scenic Rivers System. The bill also provides that nothing in the Scenic Rivers Act shall preclude the construction, use, or removal of any asset that traverses certain portions of the James River.

**HB 148/SB 684 Certified pollution control equipment; certification by subdivisions.** Provides that for pollution control equipment to be used as part of a political subdivision's water, wastewater, stormwater, or solid waste management facilities or systems, such equipment may be certified by the political subdivision itself instead of by the state certifying authority.



**HB 184 Virginia Stormwater Management Programs; regional industrial facility authorities.** Authorizes a locality that administers a Virginia Stormwater Management Program (VSMP) or a Virginia Erosion and Stormwater Management Program (VESMP) to administer such program of a regional industrial facility authority of which the locality is a member. The bill requires that such administration be conducted in accordance with an agreement entered into with all relevant localities and the existing VSMP or VESMP for the property.

**HB 463/SB 141 Boat ramps; removes authorization for Department of Wildlife Resources to charge a fee for use.** Removes the authorization for the Department of Wildlife Resources to charge a fee for the use of facilities that it manages but does not own and for the use of boat ramps that it owns or manages.

**HB 516/SB 551 Flood resiliency & protection; implements recommendations from first Va. Coastal Resilience Master Plan.** Implements recommendations from the first Virginia Coastal Resilience Master Plan. The bill provides guidelines for the development of a Virginia Flood Protection Master Plan for the Commonwealth and requires that the Coastal Resilience Master Plan be updated by December 31, 2022, and every five years thereafter. The bill establishes the Virginia Coastal Resilience Technical Advisory Committee to assist with the updates and requires the development of a community outreach and engagement plan to ensure meaningful involvement by affected and vulnerable community residents. The bill also requires that the Chief Resilience Officer report every two years, beginning July 1, 2023, on the status of flood resiliency in the Commonwealth.

**HB 517 Chief Resilience Officer; clarifies designation and role.** Clarifies the designation and role of the Chief Resilience Officer by moving the position from under the responsibility of the Secretary of Public Safety and Homeland Security to the Secretary of Natural and Historic Resources and adding provisions related to the role of the Chief Resilience Officer in creating and overseeing the implementation of a Virginia Flood Protection Master Plan and a Virginia Coastal Resilience Master Plan. Under current law, the Secretary of Natural and Historic Resources is designated the Chief Resilience Officer. This bill is a Chesapeake Bay Commission initiative.

**HB 771 Chesapeake Bay Preservation Area information; local government in the Tidewater of Virginia shall publish on website.** Requires each locality in the Tidewater of Virginia to publish on its website the criteria and elements adopted by the locality to implement its local plan as required by the Chesapeake Bay Preservation Act.

**HB 831/SB 248 Digestate; definition, definition of anaerobic digestion.** Clarifies that a regulated product, for the purposes of fertilizer law, includes digestate. Digestate is defined in the bill as a biologically stable material derived from the process of anaerobic digestion. The bill also includes digestate in fertilizer labeling requirements.

**HB 919 Maximum contaminant levels (MCLs) in water supplies and waterworks; Board of Health regulations.** Provides that the Board of Health shall review the recommendations of any work group convened by the Commissioner of Health after July 1, 2022, to study the occurrence of certain contaminants in public drinking water prior to adopting regulations establishing maximum contaminant levels (MCLs) in all water supplies and waterworks in the Commonwealth for (i) perfluorooctanoic acid, perfluorooctane sulfonate, and such other perfluoroalkyl and polyfluoroalkyl substances as the Board deems necessary, (ii) chromium-6, and (iii) 1,4-dioxane. The bill also provides the Commissioner the option of establishing a work

group to study the occurrence of such contaminants and to report to the Governor and the Chairmen of the House Committees on Agriculture, Chesapeake and Natural Resources and Health, Welfare and Institutions and the Senate Committees on Agriculture, Conservation and Natural Resources and Education and Health by December 1, 2022.

**HB 1287 Procured plastic materials; DGS to direct state agencies to identify recycled content amounts.** Requires the Department of General Services (DGS), in determining the award of any contract for plastic materials to be purchased for use by agencies of the Commonwealth, to procure using competitive sealed bidding and give preference to bidders that supply materials containing plastic recycled content, as long as such materials are cost competitive with materials that do not contain plastic recycled content. The bill directs DGS to promulgate regulations to (i) in consultation with the Virginia Manufacturers Association, define "cost competitive" for purposes of the implementation of the bill and (ii) establish a system that requires an incremental increase in the minimum percentage of plastic recycled content required to be included in materials in order for a bidder to be given preference in the procurement process, as follows: (a) 10 percent plastic recycled content by January 1, 2025; (b) 20 percent plastic recycled content by January 1, 2028; and (c) 30 percent plastic recycled content by January 1, 2030.

**HB 1297 Comprehensive water supply; planning process.** Directs the State Water Control Board to consider existing interjurisdictional arrangements in designating comprehensive water supply regional planning areas and to provide a mechanism for a locality to request, subject to approval by the Department of Environmental Quality, a change of its designated regional planning area to an adjoining planning area.

**HB 1309/SB 756 Resilient Virginia Revolving Loan Fund; created.** Creates the Resilient Virginia Revolving Fund. The bill provides guidelines for deposits, expenditures, and investments and requires an annual audit of the Virginia Resources Authority. The bill provides that the Fund be used for loans or to refinance projects for local governments or to give grants to them, provides that the Fund may be used by local governments for loans or grants to persons of the Commonwealth eligible for projects for resilience purposes, and establishes guidelines for the priority of such loans and grants.

**HJ 16/SJ 35 Coastal Flooding, Joint Subcommittee on; continued as the Joint Subcommittee on Recurrent Flooding.** Continues the Joint Subcommittee on Coastal Flooding as the Joint Subcommittee on Recurrent Flooding for two additional years, through the 2023 interim. The resolution expands the review of the joint subcommittee to include riverine and stormwater flooding. The joint subcommittee is directed to recommend short-term and long-term strategies for minimizing the impact of flooding.

**SB 187 Nutrient credits; DEQ to accelerate release of credits generated by stream restoration project.** Allows the Department of Environmental Quality to accelerate the release of nutrient credits generated by a stream restoration project based on (i) a determination that the level of risk is low, (ii) the provision of additional financial assurance, and (iii) the experience of the applicant. The provisions of the bill become effective 30 days after the Department of Environmental Quality issues guidance regarding its implementation.

**SB 188 Nutrient credit stream restoration projects; use of third-party long-term stewards.** Authorizes the Department of Environmental Quality to allow the use of third-party long-term

stewards to hold and manage the long-term management fund to maintain stream restoration projects.

**SB 537 Trees; replacement and conservation during development process, powers of local government.** Prevents the prohibition or the unreasonable limitation of silvicultural activities related to the replacement of trees during the development process and the conservation of trees during the land development process in certain localities. The bill specifies provisions related to the replacement of trees during the development process in localities and allows that any locality may adopt an ordinance providing for the planting and replacement of trees during the development process. Further, the bill specifies provisions related to the conservation of trees during the development process in localities and allows that any locality may adopt an ordinance providing for the conservation of trees during the land development process. The bill directs specified stakeholders and parties to meet at least twice prior to the 2023 Session of the General Assembly to consider specified topics. The bill directs the participants to report their recommendations to the Chairmen of the House Committee on Counties, Cities and Towns and the Senate Committee on Agriculture, Conservation and Natural Resources by December 1, 2022. The provisions of the bill related to the conservation of trees during the development process do not become effective unless reenacted by the 2023 General Assembly.

## **Building Codes**

**HB 1289 Uniform Statewide Building Code; exemption for certain use and occupancy classifications.** Directs the Board of Housing and Community Development to consider, during the next code development cycle, revising the Uniform Statewide Building Code (the Building Code) to provide an exemption from any requirements in the energy efficiency standards in the Building Code and the 2018 Virginia Energy Conservation Code (the Energy Conservation Code), and any subsequent amendments to the Building Code and the Energy Conservation Code, for the use and occupancy classifications of (i) Section 306, Factory Group F; (ii) Section 311, Storage Group S; and (iii) Section 312, Utility and Miscellaneous Group U.

**SB 740 Common interest communities; standards for structural integrity and reserves for capital components.** Directs the Department of Professional and Occupational Regulation (the Department) to establish a work group to study the adequacy of current laws addressing standards for structural integrity and for maintaining reserves to repair, replace, or restore capital components in common interest communities. The bill directs the Department to report the work group's findings and provide recommendations, including any legislative recommendations, to the Chairs of the House Committee on General Laws and the Senate Committee on General Laws and Technology no later than April 1, 2023.

## **Housing**

**HB 214 Redevelopment and housing authorities; naming convention.** Provides that a locality that establishes a redevelopment and housing authority may name such authority an appropriate name and title. Current law requires the authority to be known as the " \_\_\_\_\_ (insert name of locality) Redevelopment and Housing Authority." The bill contains technical amendments.

**HB 239/SB 263 Housing & Supportive Services ILT initiative; housing & services to include adults 65 yrs. or older.** Directs the Department for Housing and Community Development to expand the existing Housing and Supportive Services Interagency Leadership

Team (ILT) initiative to include adults 65 years of age or older as a target subpopulation and seek input from appropriate stakeholders to facilitate the development of strategies for increasing the supply of permanent supportive housing for adults 65 years of age or older.

**HB 284 Real Estate Appraiser Board; continuing education to include fair housing or appraisal bias courses.** Provides that any regulation of the Real Estate Appraiser Board setting out continuing education requirements for real estate appraiser licensees as a prerequisite of license renewal shall include at least two hours of fair housing or appraisal bias courses if the Board requires continuing education for the renewal of such licenses. The bill directs the Real Estate Appraiser Board to promulgate regulations to implement the provisions of this act that include a course of at least two hours relating to fair housing or appraisal bias and exempts the initial adoption of such regulations from the Administrative Process Act, except that the Board shall provide an opportunity for public comment prior to adoption of the regulations. The bill has a delayed effective date of July 1, 2023.

**HB 400 Real property; affordable housing.** Includes the Rental Assistance Demonstration program in the list of federal laws whose restrictions shall be considered in determining the fair market value of real property that is operated as affordable rental housing.

**HB 402 Landlords, participation; tax credit.** Expands the tax credit for participating landlords to all census tracts in Virginia in which less than 10 percent of the residents live below the poverty level. Under current law, the credit is limited to census tracts in the Richmond Metropolitan Statistical Area, the Washington-Arlington-Alexandria Metropolitan Statistical Area, or the Virginia Beach-Norfolk-Newport News Metropolitan Statistical Area in which less than 10 percent of the residents live below the poverty level.

**HB 702 Va. Residential Property Disclosure Act; required disclosures, maximum lot coverage.** Requires that the owner of residential real property include in the residential property disclosure statement provided to a potential purchaser of such residential real property a statement that the owner makes no representation with respect to current lot lines or the ability to expand, improve, or add any structures on the property and that the potential purchaser is advised to exercise necessary due diligence, including obtaining a property survey and contacting the locality to determine zoning ordinances or lot coverage, height, or setback requirements on the property.

**HB 717 Unaccompanied homeless youths; consent for housing services.** Provides that an unaccompanied homeless youth shall be deemed an adult for the purpose of consenting to housing, including emergency shelter, and establishes requirements for providers of housing, including emergency shelter, for unaccompanied homeless youths. The bill directs the Board of Social Services to adopt regulations for implementation of the bill and directs the Department of Social Services to establish a work group to make recommendations to the Board regarding such regulations and to develop recommendations regarding authorizing unaccompanied homeless youth to consent to medical care.

**HB 1063 Public accommodations, employment, and housing; prohibited discrimination on the basis of religion.** Clarifies that "religion" as it relates to freedom of expression includes any outward expression of religious faith in contexts where discrimination on the basis of religion is prohibited.

**HB 1065 Manufactured home lot rental agreements and public notices; work group to develop sample documents.** Directs the Department of Housing and Community Development to convene a work group consisting of representatives from the Virginia Housing Development Authority, manufactured home park owners and residents, attorneys with relevant expertise, and other relevant stakeholders for the purposes of developing a sample manufactured home lot rental agreement and sample manufactured home park notices regarding an intent to sell.

**HB 1122 Manufactured homes, certain; release of manufactured home records.** Requires the Commissioner of the Department of Motor Vehicles to furnish vehicle information for a manufactured home to a bona fide prospective purchaser or home owner of such manufactured home, real estate agent, title insurer, settlement agent, attorney, manufactured home dealer, manufactured home broker, or loan officer upon such individuals meeting certain requirements and prohibits the Department from disposing of any vehicle information for any manufactured home.

**HB 1194 Industrial Development and Revenue Bond Act; affordable housing grants.** Authorizes an industrial development authority to make grants associated with the construction of affordable housing in order to promote safe and affordable housing in the Commonwealth and to benefit thereby the safety, health, welfare, and prosperity of the inhabitants of the Commonwealth.

**HB 1286 Housing Authorities Law; notice of intent to dispose of housing projects.** Removes the requirement that any housing authority required to submit an application to the U.S. Department of Housing and Urban Development to demolish, liquidate, or otherwise dispose of such housing project also serve a notice to any agency that would be responsible for administering tenant-based rental assistance to persons who would otherwise be displaced from the housing project. The bill shortens from 12 to six the number of months prior to such application submission date required before the housing authority serves notice of intent to the Virginia Department of Housing and Community Development and each tenant residing in the housing project. The bill prohibits the housing authority from requiring a tenant currently residing in such housing project to surrender possession of his unit until at least 12 months after serving the notice required by the bill except as otherwise provided by law.

**SB 24 Eviction Diversion Pilot Program; extends sunset date, report.** Extends from July 1, 2023, to July 1, 2024, the expiration date of the Eviction Diversion Pilot Program. The bill also requires the Virginia Housing Commission to submit an interim report no later than November 30, 2022, and a final report no later November 30, 2023.

**SB 40 Assisted living facilities; involuntary discharge, safeguards for residents.** Requires that regulations of the Board of Social Services regarding involuntary discharges of residents from assisted living facilities provide certain safeguards for residents, including a description of the reasons for which a resident may be involuntarily discharged, certain notice requirements, a requirement that the facility make reasonable efforts to resolve any issues upon which the discharge is based, and the provision of information regarding the resident's right to appeal the facility's decision to discharge the resident.

**SB 47 Income tax, state; housing opportunity tax credits.** Removes the \$15 million credit cap imposed on the Virginia Housing Opportunity Tax Credit and allows taxpayers to receive a state-level credit in an amount substantially similar to the amount of federal credit allocated or



allowed by the Virginia Housing Development Authority for 10 years. Under current law, the Virginia Housing Development Authority is required to allocate the credit for one year only.

**SB 60 Political subdivisions; powers and duties, emergency management assessment.**

Current law requires all political subdivisions to report (i) an annually updated emergency management assessment and (ii) data related to emergency sheltering capabilities, including emergency shelter locations, evacuation zones, capacity by person, medical needs capacity, current wind rating, standards compliance, backup power, and lead agency for staffing, to the State Coordinator of Emergency Management by May 1 of each year. This bill changes the date of the required reports to August 1 of each year.

**SB 69 Virginia Residential Landlord and Tenant Act; rental agreements, child care.**

Allows a rental agreement to contain provisions allowing for the tenant's operation of properly licensed and authorized child care services.

**SB 740 Common interest communities; standards for structural integrity and reserves for capital components.** Directs the Department of Professional and Occupational Regulation (the Department) to establish a work group to study the adequacy of current laws addressing standards for structural integrity and for maintaining reserves to repair, replace, or restore capital components in common interest communities. The bill directs the Department to report the work group's findings and provide recommendations, including any legislative recommendations, to the Chairs of the House Committee on General Laws and the Senate Committee on General Laws and Technology no later than April 1, 2023.

## **Elections and Redistricting**

**HB 125 Elections; political campaign advertisements, violations, civil penalties not to exceed \$25,000.** Provides that sponsors violating political campaign advertisement disclosure laws with advertisements or campaign telephone calls are subject to a civil penalty not to exceed \$25,000.

**HB 195 Polling places; location requirements, waiver in certain circumstances.** Provides that in the event that there is no suitable building that could be used for a polling place within a precinct or within one mile of the precinct boundary, the general registrar or the governing body of the locality may request from the Department of Elections a waiver to establish a polling place that does not meet the location requirements. The bill provides that the Department shall grant such a waiver and may impose any conditions on the waiver that it deems necessary or appropriate to ensure accessibility and security of the polling place and compliance with any other requirements of state or federal law.

**HB 205/SB 80 Election officials, state and local; acceptance of certain gifts and funding prohibited, etc.** Prohibits state and local elections officials from soliciting, accepting, using, or disposing of any moneys, grants, property, or services given by a private individual or nongovernmental entity for the purpose of funding voter education and outreach programs, voter registration programs, or any other expense incurred in the conduct of elections. The bill specifically provides that it is not a violation of this prohibition to (i) operate a polling place or voter satellite office in a facility furnished by a private individual or nongovernmental entity or (ii) accept a federal government grant funded in whole or part by donations from private individuals or nongovernmental entities.

**HB 492 Campaign finance; record retention requirements and reviews of campaign finance disclosure reports.** Requires campaign committee treasurers to retain certain records that may be used in reviews of campaign committee accounts. The bill gives the Department of Elections the authority and duty to conduct reviews of a percentage of campaign committees and to report the results of such reviews annually to the State Board of Elections, the Governor, and the General Assembly and make such report available on the Department's website. The bill has a delayed effective date of January 1, 2024, and provides that campaign finance reports filed prior to January 1, 2024, are not subject to the provisions of the bill.

**HB 542 Elections administration; reclassification of assistant registrars.** Reclassifies assistant registrars as deputy registrars.

**HB 895/SB 370 Elections; local electoral boards & general registrars to perform certain risk-limiting audits, etc.** Requires local electoral boards and general registrars to perform certain risk-limiting audits, defined in the bill, under the supervision of the Department of Elections and in accordance with the procedures prescribed by the State Board of Elections with a risk limit of at least 10 percent. The bill provides that localities are required to participate in such audits at least once every five years. The bill also provides that the Department shall submit a report on the results of such audits to the State Board. The provisions of the bill requiring that such audits be conducted (i) for at least one randomly selected contested race for the General Assembly in the year of a general election for members of the General Assembly and (ii) for any other contested race that is necessary to ensure that each locality participates in a risk-limiting audit of an office within its jurisdiction at least once every five years or that the State Board finds appropriate have a delayed effective date of July 1, 2023. The provision of the bill requiring that such audits be conducted for at least one randomly selected contested race for an office that requires certification by the State Board in the year of general election for any local office has a delayed effective date of July 1, 2024. The bill also requires the Department to convene a work group to consider and propose a process and timeline for implementing risk-limiting audits of statewide contests.

**HB 927/SB 3 Voting systems; reporting absentee results by precinct, definitions.** Includes in the definition of "voting system" on-demand ballot printing systems and ballot marking devices used to manufacture or mark ballots to be cast by voters on electronic voting and counting machines. The bill also requires general registrars to report to the Department of Elections the number and results of absentee ballots cast by voters assigned to each precinct in the registrar's locality. The Department is directed by the bill to establish standards for ascertaining and reporting such information. This bill incorporates SB 306.

**HB 1140 Voter registration; cancellation of registration, notice requirement.** Requires general registrars to provide notice of the cancellation of a voter's registration to the voter by mail to the address listed in the voter's registration record and by email to the email address

## **Eminent Domain**

**SB 666 Eminent domain; redefines lost access and lost profits.** Redefines "lost profits" for the purposes of determining just compensation in eminent domain cases.

**SB 694 Eminent domain; various changes to the laws pertaining to condemnation procedures.** Makes various changes to the laws pertaining to condemnation procedures,

including (i) providing that localities shall not condition or delay the timely advancement or approval of any application for or grant of any permit or other approval for real property for the purpose of allowing the condemnation or acquisition of the property; (ii) redefining "lost access" for the purposes of determining just compensation (iii) requiring a condemnor to provide the property owner with a copy of its title report and all recorded instruments found in the title examination; (iv) requiring the clerk of the court, when funds are paid into the court during a condemnation proceeding, to deposit such funds into an interest-bearing account; (v) requiring the court to order the condemnor to reimburse the property owner for the reasonable costs and fees, not to exceed \$7,500, for a survey (under current law, this amount is capped at \$1,000); (vi) requiring temporary construction easements to have an expiration date included in the recorded certificate and requiring condemnors to record a certificate of completion within 90 days upon completion of construction of any public use project for which a portion of private property was taken; (vii) requiring that a condemnor that has been sued for just compensation pursuant to a "quick-take" condemnation procedure to reimburse the property owner for his fees and costs incurred in filing the petition; and (viii) permitting the owner of property that the Commissioner of Highways has taken to petition the circuit court for the appointment of commissioners or the empanelment of a jury to determine just compensation under certain circumstances and requiring the Commissioner of Highways to reimburse the owner for his fees and costs incurred in filing the petition.

## FOIA

**HB 150 Virginia Freedom of Information Act; local public bodies to post meeting minutes on its website.** Requires, with certain exceptions outlined in the bill, any local public body subject to the provisions of the Virginia Freedom of Information Act to post meeting minutes on its official public government website, if any, within seven working days of final approval of the minutes. The bill provides that if a local public body does not own or maintain an official public government website, it shall make copies of all meeting minutes available no later than seven working days after the conclusion of a meeting at a prominent public location in which meeting notices are regularly posted, at the office of the clerk of the public body, or, in the case of a public body that has no clerk, at the office of the chief administrator.

**HB 307 Virginia Freedom of Information Act; estimated charges for records.** Provides that a public body subject to the Virginia Freedom of Information Act shall make all reasonable efforts to supply records requested by a citizen at the lowest possible cost. The bill also requires a public body, prior to conducting a search for records, to notify the requester in writing of the public body's right to make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records.

**HB 444 Va. Freedom of Information Act; meetings conducted through electronic meetings, states of emergency.** Amends existing provisions concerning electronic meetings by keeping the provisions for electronic meetings held in response to declared states of emergency, repealing the provisions that are specific to regional and state public bodies, and allowing certain public bodies to conduct all-virtual public meetings where all of the members who participate do so remotely and that the public may access through electronic communications means. The bill excepts local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and any board with the authority to deny, revoke, or suspend a professional or occupational license from the provisions that allow public bodies to conduct all-virtual public meetings. Definitions, procedural requirements, and limitations for all-virtual



public meetings are set forth in the bill, along with technical amendments. The bill has a delayed effective date of September 1, 2022.

**HB 734 Virginia Freedom of Information Act; disclosure of certain criminal records.**

Provides that (i) criminal investigative files relating to a criminal investigation or proceeding that is not ongoing are excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act, though they may be disclosed by the custodian of such records to certain individuals except as otherwise provided in the bill, and (ii) with the exception of disclosure to an attorney representing a petitioner or inspection by an attorney or a person proceeding pro se in a petition for a writ of habeas corpus or writ of actual innocence or any other federal or state post-conviction proceeding or pardon, no criminal investigative file or portion thereof shall be disclosed to any requester except (a) the victim; (b) the victim's immediate family members, if the victim is deceased and the immediate family member to which the records are to be disclosed is not a person of interest or a suspect in the criminal investigation; or (c) the victim's parent or guardian, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding, unless the public body has made reasonable efforts to notify any such individual of the request for such information. Upon receipt of notice that a public body has received a request for criminal investigative files, such persons shall have 14 days to file in an appropriate court for an injunction to prevent disclosure of the records and the time period within which the public body has to respond to the underlying request shall be tolled pending the notification process and any subsequent disposition by the court. The bill requires the court to consider certain information in making its determination and provides that a public body shall be prohibited from responding to the request until at least 14 days have passed from the time notice was received by any such individual listed in clauses (a), (b), or (c) and shall not disclose any criminal investigative files if the court awards an injunction. This bill incorporates HB 890.

**HB 970 Public agencies; exclusion from mandatory disclosure, privacy of personal information, penalty.** Provides that public agencies shall not request personal donor information, defined in the bill, from (i) any individual or any entity organized under § 501(c) of the Internal Revenue Code or (ii) any bidder, offeror, or contractor of an agency. The bill prohibits such public agencies from disclosing personal information without the express, written permission of every individual who is identifiable from the potential release of such personal information, including individuals identifiable as members, supporters, or volunteers of, or donors to, the agency. The bill exempts the Campaign Finance Disclosure Act of 2006 from the requirements that public agencies protect personal information and refrain from requesting personal information.

**SB 152 FOIA and FOIA Advisory Council; definition of official public government website.** Defines "official public government website" as it applies to the Virginia Freedom of Information Act and the Virginia Freedom of Information Advisory Council as any Internet site controlled by a public body and used, among any other purposes, to post required notices and other content pursuant to the Virginia Freedom of Information Act on behalf of the public body. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

**SB 324 Public agencies; privacy of personal information.** Provides that public agencies shall not request personal information, defined in the bill, from (i) any individual or any entity organized under § 501(c) of the Internal Revenue Code or (ii) any bidder, offeror, or contractor of an agency. The bill prohibits such public agencies from disclosing personal information without the express, written permission of every individual who is identifiable from the potential

release of such personal information, including individuals identifiable as members, supporters, or volunteers of, or donors to, the agency. The bill exempts the Campaign Finance Disclosure Act of 2006 from the requirements that public agencies protect personal information and refrain from requesting personal information.

## **Local Authority**

**HB 167 Localities; publication of notice in newspaper.** Provides that in any instance in which a locality has submitted a correct and timely notice request to a newspaper published or having general circulation in the locality and such newspaper fails to publish the notice, or publishes the notice incorrectly, such locality shall be deemed to have met the appropriate notice requirements so long as the notice was published in the next available edition of a newspaper having general circulation in the locality.

**HB 216/SB 57 Conflict of Interests Act, State and Local Government; definition of gift, certain tickets, etc.** Exempts from the definition of gift tickets and registration or admission fees to an event that are provided by an agency to its own officers or employees for the purposes of performing official duties related to the officer's or employee's public service.

**HB 267/SB 12 Taxes, local; surplus revenues.** Grants localities permissive authority to return surplus personal property tax revenues to taxpayers. Under current law, localities may return only surplus real property tax revenues.

**HB 298 Land bank ordinances; disposition.** Authorizes localities to petition the circuit court to appoint a special commissioner to, in lieu of a sale at public auction, convey certain real estate having delinquent taxes or liens to the locality's land bank entity or an existing nonprofit entity designated by the locality to carry out the functions of a land bank entity. Currently, such real estate may be conveyed only to the locality itself. The bill also allows real estate that contains a derelict building and has delinquent taxes and liens exceeding 25 percent of its assessed value to be conveyed via special commissioner, in lieu of a sale at public auction, to the locality, the locality's land bank entity, or such existing nonprofit entity. The bill requires a land bank entity or existing nonprofit entity that receives such parcels to pay any surplusage above the amount of unpaid taxes or liens to the former owners or other parties with an interest in the property.

**HB 368 Refunds of local taxes; authority of treasurer.** Increases from \$5,000 to \$10,000 the maximum amount that the governing body of a locality may authorize its treasurer to approve and issue for a refund of taxes paid as a result of an erroneous tax assessment.

**HB 377 Charitable institutions and associations; organizations applying for or receiving public funds, etc.** Provides that no organization shall be prohibited from applying for or receiving public funds as part of a neutral grant or funding program from a locality on the basis of the organization's religious status, provided that all government funds received from the locality are used to provide community services for secular purposes, and further provides that nothing in the bill shall be construed to absolve or change any existing right or obligation created by certain provisions of the Virginia Human Rights Act or related to the exercise of religion.

**HB 429/SB 225 Virginia Public Procurement Act; architectural and professional engineering term contracting.** Provides that the sum of all projects performed in an architectural and professional engineering contract term shall not exceed \$10 million, and the fee for any single project shall not exceed \$2.5 million. The bill allows a contract for multiple

architectural or professional engineering projects to be renewable for up to three additional terms at the option of the public body. Current law limits the sum of all projects performed in a one-year contract term to \$750,000, with up to four additional one-year terms at the option of the public body, and limits the fee for any single project to \$150,000, with specific exceptions to those limits, including a limit for total projects for rail projects of \$5 million and for highway projects, \$8 million. The bill also removes specific agency and locality exceptions to such current limits. This bill incorporates HB 438.

**HB 437 Localities; public meeting during state project planning phase.** Allows a locality the option to request a public meeting in the locality during the planning phase of a public facilities state project from the state agency or institution of higher education responsible for such project.

**HB 677 Posting of notices; electronic posting on public government website of the locality, etc.** Requires any notice, summons, order, or other official document of any type that is required to be posted on or at the front door of a courthouse or on a public bulletin board at the courthouse to also be posted on the public government website of the locality served by the court or on the website of the circuit court clerk. Under current law, the website posting is sufficient when such official document is required to be posted at the courthouse. As introduced, this bill was a recommendation of the Boyd-Graves Conference. The bill has a delayed effective date of July 1, 2024.

**HB 710 Local government; hiring people with disabilities.** Requires any locality to take into consideration or give preference to an individual's status as a person with a disability in its employment hiring policies and practices, provided that such person with a disability meets all of the knowledge, skills, and eligibility requirements for the available position.

**HB 911 Approved local volunteer activities; enables localities to provide credit against taxes & fees.** Enables localities, by ordinance, to provide a credit against taxes and fees imposed by the locality to an individual who provides approved volunteer services in the locality. As defined in the bill, "approved volunteer services" includes (i) volunteer first responders or (ii) individuals who perform volunteer services to a nonprofit organization or to the locality, if such services are approved by the locality. The bill specifies that the credit shall not be applied against any property taxes or payments in lieu of property taxes. The bill gives localities discretion to determine which taxes or fees are permissible uses of the credit and which services qualify for the credit.

**HB 1268 Political subdivisions; group self-insurance pools.** Expands provisions related to local government self-insurance pools by providing that a local government group self-insurance pool may provide all authorized insurance coverages to (i) any separate corporation established by one or more counties, cities, towns, or school boards, as permitted by law, that is supported wholly or principally by local public funds or utilize federal funds for local community housing projects and (ii) other corporations recognized under § 501(c)(3) or 501(c)(4) of the Internal Revenue Code that are supported wholly or principally by local public funds or utilizes federal funds for local community housing projects and that are recognized by a political subdivision

**SB 17 Law-enforcement officers; exemption from certain training requirements.** Provides that the Director of the Department of Criminal Justice Services shall exempt a law-enforcement officer who has demonstrated sensitivity to cultural diversity issues, had previous experience and training as a law-enforcement officer, is currently receiving or is eligible to receive a service retirement allowance, and has a break in service of no longer than 60 calendar months between

retirement and new employment as a law-enforcement officer from the mandatory attendance of all courses that are required for the successful completion of the compulsory minimum training standards established by the Criminal Justice Services Board.

**SB 142 Land bank ordinances; disposition.** Authorizes localities to petition the circuit court to appoint a special commissioner to, in lieu of a sale at public auction, convey certain real estate having delinquent taxes or liens to the locality's land bank entity or an existing nonprofit entity designated by the locality to carry out the functions of a land bank entity. Currently, such real estate may be conveyed only to the locality itself. The bill also allows real estate that contains a derelict building and has delinquent taxes and liens exceeding 10 percent of its assessed value to be conveyed via special commissioner, in lieu of a sale at public auction, to the locality, the locality's land bank entity, or such existing nonprofit entity. The bill requires a land bank entity or existing nonprofit entity that receives such parcels to pay any surplusage above the amount of unpaid taxes or liens to the former owners or other parties with an interest in the property.

**SB 259 Virginia Public Procurement Act; performance and payment bonds.** Requires a performance bond and payment bond to be furnished by the contractor for all non-transportation-related public construction contracts that exceed \$500,000 and all transportation-related projects that exceed \$350,000 and are partially or wholly funded by the Commonwealth. Current law only requires these bonds for certain types of contracts.

## **Local Revenues**

**HB 90 Sales tax; exemption for food purchased for human consumption & essential personal hygiene products.** Exempts food purchased for human consumption and essential personal hygiene products (the grocery tax) from all state, regional, and local sales taxes. The bill dedicates an amount equal to a 0.182 percent sales and use tax to cities and counties as a supplemental school payment. Such payment shall, from July 1, 2022, until July 1, 2024, be distributed based on each city and county's estimated average share of monthly distributions attributable to the tax on such food and hygiene products between February 2020 and December 2021. Beginning July 1, 2024, such payment shall be based upon each city and county's pro rata share of total local sales and use taxes.

**HB 200 Real property; tax exemption shall include property of certain single member ltd. liability company.** Provides that the property of an organization that is tax exempt by classification shall include the property of a single member limited liability company whose sole member is such an organization.

**HB 226 Taxes; appeal of local assessments.** Clarifies the procedure by which a taxpayer aggrieved by any local tax assessment may seek relief by providing that (i) the necessary parties in such a proceeding shall be the taxpayer and the locality; (ii) the taxpayer may show that the property was assessed at more or less than its fair market value; and (iii) the county or city attorney or, if none, the attorney for the Commonwealth shall defend the locality in any such proceeding.

**HB 400 Real property; affordable housing.** Includes the Rental Assistance Demonstration program in the list of federal laws whose restrictions shall be considered in determining the fair market value of real property that is operated as affordable rental housing.

**HB 518 Sales and transient occupancy taxes; accommodations intermediaries.** Changes the process by which sales and transient occupancy taxes are collected from accommodations sales involving accommodations intermediaries. Under current law, accommodations intermediaries remit these taxes to the Department of Taxation or a locality, or a hotel, depending on the circumstances. The bill requires accommodations intermediaries to collect such taxes and remit them to the Department of Taxation or a locality, as applicable. The bill also provides that in a transaction involving multiple parties that may be considered accommodations intermediaries, such parties may agree that one party shall be responsible for collecting and remitting the taxes. In such event, the party agreeing to collect and remit such taxes shall be the sole party liable for the tax. Accommodations intermediaries shall submit to localities certain information on accommodations facilitated by the intermediary on a monthly basis. The bill also broadens the definition of accommodations intermediary. The bill directs the Department of Taxation to publish guidelines on implementation of the bill by August 1, 2022, and to convene a work group to examine the processes used to collect local transient occupancy taxes and make recommendations for improvements. The substantive provisions of the bill have a delayed effective date of October 1, 2022.

**SB 648 Real property tax; exemption for the elderly and handicapped.** Provides that any locality may by ordinance accept documentation establishing eligibility for the real property tax exemption for the elderly and handicapped on a rolling basis throughout the year. Current law states that localities shall accept such documentation after January 1 but before April 1 or a later date fixed by ordinance.

**HB 791/SB 513 Data centers; center fixtures are taxed as part of the real property where they are located, etc.** Provides that if data center fixtures are taxed as part of the real property where they are located, they shall be valued based on depreciated reproduction or replacement cost, rather than based on the amount of income they generate.

**HB 957 Real property; classification, property owned by certain surviving spouses for tax purposes.** Provides that beginning with taxable year 2022, any locality may declare real property owned by a surviving spouse of a member of the Armed Forces of the United States who died in the line of duty with a line of duty determination from the U.S. Department of Defense, where such death was not the result of criminal conduct, and where the spouse occupies the real property as his principal place of residence and does not remarry, a separate class of property for local taxation of real property that may be taxed at a different rate than that imposed on the general class of real property, provided that the rate of tax is greater than zero and does not exceed the rate of tax on the general class of real property.

**HB 1010 Real property taxes; notice of proposed increase, notice of public hearing.** Adjusts the notice requirements for public hearings held to increase property taxes in localities that conduct their reassessment of real estate more than once every four years. The bill requires such localities to provide notice of any such hearing on a different day and in a different notice from any notice published for the annual budget hearing. Under current law, such hearings are required when a locality seeks to raise its property tax rate above a rate that would collect more than 101 percent of the amount of taxes collected for the previous year.

**HB 1076/SB 25 Cigarette tax, local; identifying unsold inventory, localities that increase taxes.** Requires any locality that increases its cigarette tax rate to allow, for one calendar year after the increase, a person with unsold inventory to pay the tax increase on the unsold inventory



by filing a return, rather than requiring the use of a stamp or meter impression. The bill imposes a duty on regional cigarette tax boards to effectuate the policy.

**HB 1155/SB 683 Retail Sales and Use Tax; definitions, media-related exemptions.** Makes changes to the sales and use tax exemption for amplification, transmission, and distribution equipment used to provide Internet services. Under the bill, the exemption would apply to network equipment used to provide Internet service, regardless of whether the provider of such service is also a telephone common carrier or whether such network is also used to provide services other than Internet services.

**HB 1239/SB 771 Personal property; other classifications of tangible property for taxation.** Authorizes localities to classify for rate purposes certain vehicles that, under current law, may be classified only for valuation purposes, including certain automobiles, trucks, motor vehicles for use by the handicapped, motorcycles, mopeds, all-terrain vehicles, off-road motorcycles, campers, and other recreational vehicles. The bill specifies that its provisions shall apply only to taxable years beginning on or after January 1, 2022, but before January 1, 2025. The bill contains an emergency clause.

**SB 47 Income tax, state; housing opportunity tax credits.** Removes the \$15 million credit cap imposed on the Virginia Housing Opportunity Tax Credit and allows taxpayers to receive a state-level credit in an amount substantially similar to the amount of federal credit allocated or allowed by the Virginia Housing Development Authority for 10 years. Under current law, the Virginia Housing Development Authority is required to allocate the credit for one year only.

**SB 648 Real property tax; exemption for the elderly and handicapped.** Provides that any locality may by ordinance accept documentation establishing eligibility for the real property tax exemption for the elderly and handicapped on a rolling basis throughout the year. Current law states that localities shall accept such documentation after January 1 but before April 1 or a later date fixed by ordinance.

**SB 651 Sales and transient occupancy taxes; accommodations intermediaries.** Changes the process by which sales and transient occupancy taxes are collected from accommodations sales involving accommodations intermediaries. Under current law, accommodations intermediaries remit these taxes to the Department of Taxation or a locality, or a hotel, depending on the circumstances. The bill requires accommodations intermediaries to collect such taxes and remit them to the Department of Taxation or a locality, as applicable. The bill also provides that in a transaction involving multiple parties that may be considered accommodations intermediaries, such parties may agree that one party shall be responsible for collecting and remitting the taxes. In such event, the party agreeing to collect and remit such taxes shall be the sole party liable for the tax. Accommodations intermediaries shall submit to localities certain information on accommodations facilitated by the intermediary on a monthly basis. The bill also broadens the definition of accommodations intermediary. The bill directs the Department of Taxation to publish guidelines on implementation of the bill by August 1, 2022, and to convene a work group to examine the processes used to collect local transient occupancy taxes and make recommendations for improvements. The substantive provisions of the bill have a delayed

## State Revenues

**HB 971 Commonwealth's taxation system; conformity with the Internal Revenue Code, etc.** Advances Virginia's date of conformity with the Internal Revenue Code from December 31,

2020, to December 31, 2021. The bill also deconforms from provisions of the (i) 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 and (ii) federal American Rescue Plan Act related to restaurant revitalization grants and emergency injury disaster loans received for taxable years beginning before January 1, 2021. The bill also retroactively allows up to \$100,000 of the individual and corporate income tax deduction or subtraction, as applicable, for Rebuild Virginia grants and certain amounts related to Paycheck Protection Program loans to certain fiscal filers. The bill also allows full deductibility of expenses paid or incurred with forgiven Paycheck Protection Program loan proceeds and expenses paid or incurred with Economic Injury Disaster Loan program funding

**SB 94 Commonwealth's taxation system; conformity with the Internal Revenue Code, etc.**

Advances Virginia's date of conformity with the Internal Revenue Code from December 31, 2020, to December 31, 2021. The bill also deconforms from provisions of the (i) 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 and (ii) federal American Rescue Plan Act related to restaurant revitalization grants and emergency injury disaster loans received for taxable years beginning before January 1, 2021. The bill also retroactively allows up to \$100,000 of the individual and corporate income tax deduction or subtraction, as applicable, for Rebuild Virginia grants and certain amounts related to Paycheck Protection Program loans to certain fiscal filers. The bill also allows full deductibility of expenses paid or incurred with forgiven Paycheck Protection Program loan proceeds and expenses paid or incurred with Economic Injury Disaster Loan program funding for taxable year 2021 and thereafter. The bill contains an emergency clause.

**SB 101 Retail Sales and Use Tax; extends media-related exemptions.** Extends from 2022 to 2025 the expiration of the retail sales and use tax exemption for printing purchased by an advertising business from a printer in the Commonwealth, so long as such material is distributed outside of the Commonwealth.

## **Mental Health**

**HB 16/SB 63 Safe haven protections; newborn safety device at hospitals for reception of children.** Provides an affirmative defense in certain criminal prosecutions and civil proceedings regarding child abuse or neglect to a parent who safely delivers his child within the first 30 days of the child's life to a newborn safety device located at a hospital that provides 24-hour emergency services or at an attended emergency medical services agency that employs emergency medical services personnel. The bill also provides civil and criminal immunity to such hospitals and emergency medical services agencies for injuries to children received through such newborn safety devices, provided that (i) the injuries are not the result of gross negligence or willful misconduct and (ii) the hospital or emergency medical services agency meets certain requirements regarding the establishment, functioning, and testing of the device. Current law requires the child to be delivered within the first 14 days of the child's life at such hospital or emergency medical services agency. This bill incorporates SB 175.

**HB 277/SB 622 Recovery residences; disclosure to potential residents that residence is certified.** Requires that all recovery residences be certified by the Department of Behavioral Health and Developmental Services (the Department) and that recovery residences, as a

condition of such certification, comply with minimum square footage requirements related to beds and sleeping rooms established by the credentialing entity or the Uniform Statewide Building Code, whichever is greater. The bill requires every person who operates a recovery residence to disclose to potential residents its credentialing entity. If the credentialing entity is the National Alliance for Recovery Residences, the bill requires the recovery residence to disclose the level of support provided by the recovery residence and, if the credentialing entity is Oxford House, Inc., the bill requires the recovery residence to disclose that the recovery residence is self-governed and unstaffed. The bill also requires the Department to include such information on the list of all recovery residences maintained by the Department on its website. The bill exempts recovery residences from the provisions of the Virginia Landlord and Tenant

**HB 659 Investigation of death; studying cases when person dies while receiving services.**

Directs the Department of Behavioral Health and Developmental Services (the Department) to establish a work group to study and make recommendations regarding appropriate investigations, including recommendations regarding when autopsies may be appropriate, of the deaths of individuals with intellectual or developmental disabilities who are residents of the Commonwealth and who die while receiving services from a program licensed by the Department. The bill requires the work group to report its findings and recommendations to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2022.

**HB 1060/SB 49 Critically missing adult; expands definition, receipt of reports.** Expands the definition of "critically missing adult" to include any missing adult, including an adult who has a developmental disability, intellectual disability, or mental illness, 18 years of age or older for the purpose of receipt of critically missing adult reports by a police or sheriff's department and the Virginia Critically Missing Adult Alert Program administered by the Department of State Police and removes from the Program the eligibility requirement that the adult is believed to have been abducted.

**HB 1191/SB 361 Marcus alert system; participation in the system is optional for localities, etc.** Extends the date by which localities shall establish voluntary databases to be made available to the 9-1-1 alert system and the Marcus alert system to provide relevant mental health information and emergency contact information for appropriate response to an emergency or crisis from July 1, 2021, to July 1, 2023, and provides an exemption to the requirement that localities establish protocols for local law-enforcement agencies to enter into memorandums of agreement with mobile crisis response providers regarding requests for law-enforcement back-up during mobile crisis or community care team response and minimum standards, best practices, and a system for the review and approval of protocols for law-enforcement participation in the Marcus alert system for localities with a population that is less than or equal to 40,000, so that localities with a population that is less than or equal to 40,000 may but are not required to establish such protocols. The bill also requires the Department of Behavioral Health and Developmental Services to include in its annual report to the Governor and the Chairmen of the House Committees for Courts of Justice and on Health, Welfare and Institutions, the Senate Committees on the Judiciary and Education and Health, and the Behavioral Health Commission information regarding barriers to establishment of local Marcus alert programs and community care or mobile crisis teams to provide mobile crisis response in geographical areas served by community services boards or behavioral health agencies in which such programs and teams have not been established and a plan for addressing such barriers.



**HB 1203 Suicide Prevention Coordinator; position created in the Department Veterans Services, report.** Establishes the position of Suicide Prevention Coordinator (the Coordinator) in the Department of Veterans Services to support and closely coordinate effective mental health care services for military service members and veterans and their families. The bill directs the Commissioner of the Department of Veterans Services to report on the work of the Coordinator in the annual report to the Secretary of Veterans and Defense Affairs, the Governor, and the

**HB 1329 Sexual assault; pediatric survivors.** Expands from under 13 years of age to under 18 years of age the age range of the pediatric survivors of sexual assault for whom each hospital must develop a plan for providing either pediatric sexual assault survivor treatment services or transfer services to an approved pediatric health care facility. The bill also allows for transfer of a survivor of sexual assault to a clinic that provides treatment services for survivors of sexual assault that are comparable to those provided by treatment hospitals, and adds a representative of a forensic clinic to the existing Task Force on Services for Survivors of Sexual Assault.

**SB 268 Emergency custody and temporary detention; transportation, transfer of custody, alternative custody.** Provides that when a magistrate orders alternative transportation for an individual under a temporary detention order, the primary law-enforcement agency that executes the order may transfer custody of the person to the alternative transportation provider immediately upon execution of the order. Such alternative transportation provider shall maintain custody of the person from the time custody is transferred to the alternative transportation provider by the primary law-enforcement agency until such time as custody of the person is transferred to the temporary detention facility, as is appropriate. The bill adds employees of and persons providing services pursuant to a contract with the Department of Behavioral Health and Developmental Services to the list of individuals who may serve as alternative transportation providers. The bill clarifies that if no alternative transportation provider is available, the magistrate shall order a person to be kept in law-enforcement custody. The bill also requires the Department of Behavioral Health and Developmental Services to amend an existing contract or enter into a new contract for alternative custody of persons who are subject to temporary detention orders, to the extent funding for such alternative custody is available.

**SB 593 Emergency custody or temporary detention order; custody and transportation of persons, etc.** Allows auxiliary police officers to provide transportation for a person subject to an emergency custody or temporary detention order. The bill also directs the Department of Criminal Justice Services to establish compulsory minimum training standards for auxiliary police officers who are called into service solely for the purpose of providing transportation for such person subject to an emergency custody order or providing transportation for a person in the temporary detention process.

## **Planning and Land Use**

**HB 272/SB 501 Local land use approvals; extension of approvals to address the COVID-19 pandemic.** Extends from July 1, 2022, to July 1, 2023, the sunset date for various local land use approvals that were valid and outstanding as of July 1, 2020. The bill also provides that its provisions shall not be construed to extend previous extensions related to the COVID-19 housing crisis.

**HB 616 Zoning appeals, board of; funding.** Provides that upon request of the board of zoning appeals (BZA), a governing body shall consider appropriation of funds so that the BZA may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and

clerical services. The bill also provides that if a BZA has needs that surpass the budgeted amount, the governing body shall review the BZA's request. Existing law allows such BZA expenditures "within the limits of funds appropriated by the governing body."

**HB 648 Comprehensive plan; public hearing.** Clarifies provisions related to whether certain public facilities are substantially in accord with the adopted comprehensive plan by adding parks to the types of public uses that may, with certain types of land use applications, be excepted from the requirement for submittal to and approval by the planning commission or the governing body for the purpose of determining substantial accord.

**HB 1088 Planning; definition of subdivision, boundary line agreement.** Changes the definition of "subdivision" to provide that it does not preclude different owners of adjacent parcels from entering into a valid and enforceable boundary line agreement with one another so long as such agreement is only used to resolve a bona fide property line dispute, the boundary adjustment does not move by more than 250 feet from the center of the current platted line or alter either parcel's resultant acreage by more than five percent of the smaller parcel size, and such agreement does not create an additional lot, alter the existing boundary lines of localities, result in greater street frontage, or interfere with a recorded easement, and such agreement shall not result in any nonconformity with local ordinances and health department regulations. The bill also provides that for any property affected by this definition, any division of land subject to a partition suit by virtue of order or decree by a court of competent jurisdiction shall take precedence over the requirements of certain existing subdivision provisions and the minimum lot area, width, or frontage requirements in the zoning ordinance so long as the lot or parcel resulting from such order or decree does not vary from minimum lot area, width, or frontage

## Social Services

**HB 484 Virginia Initiative for Education and Work; exemption for postsecondary students.** Exempts from mandatory participation in the Virginia Initiative for Education and Work recipients of Temporary Assistance for Needy Families who are enrolled full time 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 and are taking courses as part of a curriculum that leads to a postsecondary credential, such as a degree

**HB 282/ SB 409 Criminal records; effect of criminal convictions on licensure, data to be included in report.** Provides for consideration of certain factors to be made by any regulatory board through an individualized assessment prior to denying an application for licensure, certification, or registration for any occupation or profession regulated by the Department of Professional and Occupational Regulation where such denial was made in whole or in part upon the existence of the applicant's criminal record. The provisions of the bill do not become effective unless reenacted by the 2023 Session of the General Assembly, and the bill requires, beginning July 1, 2025, the Department to include certain data related to the criminal history of applicants to each regulatory board in its biennial report. This bill contains technical amendments.

**HB 496/SB 687 Abuse & neglect; financial exploitation, changes term incapacitated adults, definitions, penalties.** Changes the term "incapacitated adult" to "vulnerable adult" for the purposes of the crime of abuse and neglect of such adults and defines "vulnerable adult" as any person 18 years of age or older who is impaired by reason of mental illness, intellectual or developmental disability, physical illness or disability, or other causes, including age, to the

extent the adult lacks sufficient understanding or capacity to make, communicate, or carry out reasonable decisions concerning his well-being or has one or more limitations that substantially impair the adult's ability to independently provide for his daily needs or safeguard his person, property, or legal interests. The bill also changes the term "person with mental incapacity" to the same meaning of "vulnerable adult" for the purposes of the crime of financial exploitation. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference.

**HB 497/SB 124 Misuse of power of attorney; financial exploitation of incapacitated adults by an agent, penalty.** Makes it a Class 1 misdemeanor for an agent under a power of attorney to knowingly or intentionally engage in financial exploitation of an incapacitated adult who is the principal of that agent. The bill also provides that the agent's authority terminates upon such conviction. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference.

**HB 623 Guardianship and conservatorship; duties of the guardian ad litem, report contents.** Adds to the duty of a guardian ad litem appointed to represent the interests of a respondent in a guardianship or conservatorship case the requirement to notify the court as soon as practicable if the respondent requests counsel regardless of whether the guardian ad litem recommends counsel. The bill further directs the guardian ad litem to include in his report to the court an explanation by the guardian ad litem as to any (i) decision not to recommend the appointment of counsel for the respondent, (ii) determination that a less restrictive alternative to guardianship or conservatorship is not available, and (iii) determination that appointment of a limited guardian or conservator is not appropriate.

**HB 634 Guardianship visitation requirements; DARS shall convene a work group to review and evaluate.** Directs the Department for Aging and Rehabilitative Services to convene a work group to (i) evaluate how a requirement for private guardians to visit the individual under their guardianship in person at least once every 90 days would reduce the availability of willing and qualified individuals to serve as private guardians, if at all; (ii) consider whether a different number and frequency of visits per year, other than at least once every 90 days, would better balance resource constraints with the importance of guardian visits to the incapacitated person under their care; (iii) determine the additional resources, if any, needed to mitigate the negative impacts of an increased visitation requirement on the willingness and availability of qualified individuals to serve as private guardians; (iv) determine how those resources could be allocated to the relevant private and public entities in the guardianship system to promote compliance with an increased visitation requirement; and (v) determine whether expansion of the Virginia Public Guardian and Conservator Program would substantially alleviate issues related to these concerns. The Department shall submit a summary of its recommendations to the Chairmen of the House Committee for Courts of Justice and the Senate Committee on the Judiciary by November 1, 2022.

**HB 582 Higher educational institutions, public; notice to students, SNAP benefits.** Requires each public institution of higher education to ensure that all students have access to accurate information about the Supplemental Nutrition Assistance Program (SNAP), including eligibility and how to apply. The bill also directs each institution to advertise the application and process for applying for SNAP prominently on the institution's website and in orientation materials that are distributed to each new student.

**HB 641 Transportation network companies; authorizes collection of cash fares.** Authorizes the collection of cash fares by a transportation network company partner if the ride is arranged

through a transit system for an eligible paratransit passenger. The bill sets certain receipt and accounting requirements.

**HB 653 Foster care; DSS to establish and implement a collaborative local board placement program.** Directs the Department of Social Services to establish and implement a collaborative local board placement program to increase kinship placements and the number of locally approved foster homes. The bill provides that such program shall require local boards of social services (local boards) within each region to work collaboratively to (i) facilitate approval of kinship foster parents through engagement, assessment, and training and (ii) expand the pool of available foster homes within and across the localities of such local boards. The bill also requires local boards, when placing a child, to seek placement with a foster family within the locality of the local board or a nearby locality through the collaborative local board placement program. *As of July 7, LIS shows this bill awaiting final action by the Governor.*

**HB 671 Permanent protective orders; Hope Card Program created.** Requires the Office of the Executive Secretary of the Supreme Court of Virginia to develop and all district courts and circuit courts to implement the Hope Card Program (the Program) for the issuance of a Hope Card to any person who has been issued a permanent protective order by any district court or circuit court. The bill provides that a Hope Card issued pursuant to the Program shall be a durable, plastic, wallet-sized card containing, to the extent possible, essential information about the protective order, such as the identifying information and characteristics of the person subject to the protective order, the issuance and expiration date of the protective order, the terms of the protective order, and the names of any other persons protected by the protective order.

**HB 716/SB 307 Kinship foster care; notice and appeal.** Requires local boards of social services (local boards), upon receiving a request from a child's relative to become a kinship foster parent, to provide the relative with any forms and materials that must be submitted to become a kinship foster parent within 15 days. The bill requires local boards, upon denying a relative's request to become a kinship foster parent, to provide to the relative (i) a clear and specific explanation of the reasons for denial, (ii) a statement that such denial is appealable, and (iii) information regarding the procedure for filing such appeal. The bill allows relatives to file an appeal regarding such decisions with the Commissioner of Social Services and requires the Board of Social Services to adopt certain regulations regarding the timeline of such appeals.

**HB 717 Unaccompanied homeless youths; consent for housing services.** Provides that an unaccompanied homeless youth shall be deemed an adult for the purpose of consenting to housing, including emergency shelter, and establishes requirements for providers of housing, including emergency shelter, for unaccompanied homeless youths. The bill directs the Board of Social Services to adopt regulations for implementation of the bill and directs the Department of Social Services to establish a work group to make recommendations to the Board regarding such regulations and to develop recommendations regarding authorizing unaccompanied homeless youth to consent to medical care.

**HB 1060/SB 49 Critically missing adult; expands definition, receipt of reports.** Expands the definition of "critically missing adult" to include any missing adult, including an adult who has a developmental disability, intellectual disability, or mental illness, 18 years of age or older for the purpose of receipt of critically missing adult reports by a police or sheriff's department and the Virginia Critically Missing Adult Alert Program administered by the Department of State Police and removes from the Program the eligibility requirement that the adult is believed to have been abducted.

**SB 40 Assisted living facilities; involuntary discharge, safeguards for residents.** Requires that regulations of the Board of Social Services regarding involuntary discharges of residents from assisted living facilities provide certain safeguards for residents, including a description of the reasons for which a resident may be involuntarily discharged, certain notice requirements, a requirement that the facility make reasonable efforts to resolve any issues upon which the discharge is based, and the provision of information regarding the resident's right to appeal the facility's decision to discharge the resident.

**SB 353 Emergency Shelters Upgrade Assistance Grant Fund; funds to be paid to certain entities.** Allows funds in the Emergency Shelters Upgrade Assistance Grant Fund to be paid to entities outlined in local shelter plans to install, maintain, or repair infrastructure for backup energy generation for emergency shelters, including solar energy generators, and improve the hazard- specific structural integrity of shelter facilities owned by the locality or identified in the shelter plan of the locality. This bill incorporates SB 521.

**HB 1046 Over-the-counter medications, etc.; DMAS to study plan for a process to allow direct purchase.** Directs the Department of Medical Assistance Services to study options for and develop a plan to implement a process by which recipients of medical assistance services shall receive payments that may be used to purchase over-the-counter medications and medical supplies prescribed by an authorized prescriber directly in a retail setting and to report its findings and plan to the Governor and 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, 2022.

**HB 1328/SB 737 Early childhood care and education entities; administration of epinephrine.** Requires the Board of Education to amend its regulations to require each early childhood care and education entity to implement policies for the possession and administration of epinephrine in every such entity to be administered by any nurse at the entity, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine to any child believed to be having an anaphylactic reaction.

**HB 1334 Child abuse and neglect; amends definition, valid complaint.** Amends the definition of "abused or neglected child" to include a child who is sexually exploited or abused by an intimate partner of the child's parent or caretaker and allows a complaint of child abuse or neglect to be deemed valid by a local department of social services (local department) in such instances.

**SB 302 Guardians; appointment, petitions for guardianship, report.** Clarifies that a community services board and any other local or state governmental agency may file a petition for the appointment of a guardian or conservator of an incapacitated person.

## **Transportation**

**HB 138/SB 476 Central Virginia Transportation Authority; membership.** Adds the Chief Executive Officer of the Capital Region Airport Commission as an ex officio, nonvoting member of the Central Virginia Transportation Authority.

**HB 142 Transit Ridership Incentive Program; amount of funds to be used to establish programs.** Changes from a maximum of 25 percent to a minimum of 25 percent the percentage of Transit Ridership Incentive Program (TRIP) funds required to be used to support the



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

**HB 450/SB 278 Parking of vehicles; electric vehicle charging spaces, signage for penalty.**

Prohibits a person from parking a vehicle not capable of receiving an electric charge in a space clearly marked as reserved for charging electric vehicles. A violation is subject to a civil penalty of no more than \$50.

**HB 632 Exhaust systems; excessive noise** Removes a current provision providing that no law enforcement officer shall stop a motor vehicle for violating § 46.2-1049, which requires exhaust systems to be in good working order, and that no evidence discovered or obtained in connection with such a stop be admissible in court. The bill also provides that the governing body of any county, city, or town may, by ordinance, regulate noise from vehicles that are operated on a highway that is not equipped with a muffler and exhaust system that conforms to the relevant Code sections. The bill also repeals § 15.2-919, concerning the regulation of noise from motorcycles, moped, or motorized skateboards or scooters.

**SB 362 Bicycles and certain other vehicles; riding two abreast.** Prohibits persons riding bicycles, electric personal assistive mobility devices, electric power- assisted bicycles, or motorized skateboards or scooters two abreast from impeding the normal and reasonable movement of traffic and requires such persons to move into a single-file formation as quickly as is practicable when being overtaken from the rear by a faster-moving vehicle.

**SB 281 Transit buses; exempts a manufacturer, etc., engaged in distribution from certain requirements.** Exempts a manufacturer, factory branch, distributor, distributor branch, or factory or distributor representative engaged in the manufacture or distribution of transit buses from the requirements of obtaining a license from the Department of Motor Vehicles to engage in business. The bill also exempts transit buses from dealer's license plate and temporary license plate requirements.

**SB 342 Transit Ridership Incentive Program; use of funds for reduced-fare or zero-fare transit projects.** Directs the Commonwealth Transportation Board to use at least 25 percent of the funds available for the Transit Ridership Incentive Program for grants to fund reduced-fare or zero- fare transit projects. Under current law, the amount that may be used for such programs is capped at 25 percent. The bill provides that funds awarded for reduced-fare or zero-fare transit projects shall not be included in the requirement that funds be awarded in accordance with a

## **Other Issues**

**HB 473/SB 70 Virginia Retirement System; employer contributions.** Separates the employer contribution for Virginia Retirement System (VRS) employers participating in the Hybrid Retirement Plan into defined benefit and defined contribution components. The bill requires the Board of Trustees of VRS to certify to each employer their defined benefit contribution rate and to provide to each employer their estimated defined contribution amounts.

Under current law, VRS is required to determine a single combined employer contribution rate that includes both the defined benefit and defined contribution provisions. Employer



contributions are then applied first to the defined contribution component of the hybrid retirement program, with the remainder applied to the defined benefit component.

The substantive provisions of the bill have a delayed effective date of July 1, 2024. However, the bill directs VRS to make the preparations necessary for full implementation of the bill beginning July 1, 2022.

**HB 523 Pet shops; notice of deceased animals.** Requires pet shops to retain records indicating any time a dog or cat in its possession dies or is euthanized. Such records shall be maintained for two years and made available to animal control officers and the State Animal Welfare Inspector.

**HB 1053 Correctional facilities, local; fees associated with inmates.** Directs the State Board of Local and Regional Jails (the Board) to convene a work group to study implementation of the reduction or elimination of certain fees associated with inmates in local correctional facilities. The bill provides that the work group shall consist of two members of the House Committee on Public Safety who are not members of the same political party and two members of the Senate Committee on Rehabilitation and Social Services who are not members of the same political party. Such legislative members shall appoint as members of the work group one formerly incarcerated person, one family member of an incarcerated person, and at least one representative of certain organizations and companies. The bill directs the Board to report its findings to the Chairmen of the Senate Committee on Rehabilitation and Social Services and the House Committee on Public Safety by October 1, 2022.

**HB 1265/SB 716 Broadband affordability plan; Department of Housing and Community Development to develop, report.** Directs the Department of Housing and Community Development to develop a plan, to be known as the Commonwealth Digital Affordability and Cost Effectiveness Plan, to access federal funding under the federal Infrastructure Investment and Jobs Act. The bill requires that the Plan include (i) an overview of options for affordable broadband connectivity in the Commonwealth; (ii) recommendations on how best to leverage federal grants addressing broadband affordability; (iii) best practices for establishing a broadband affordability program, taking into account existing federal funds and programs; and (iv) recommendations for public outreach, with consideration of the report submitted by the Department of Social Services as required in Item 359 L of Chapter 552 of the Acts of Assembly of 2021, Special Session I. The bill requires the Department to report the Plan to the Governor and the General Assembly by December 1, 2022.

**HB 1330 Companion animals; duty to identify submitted animal, scanning for microchip.** Requires veterinarians, public and private animal shelters, and releasing agencies to seek to identify the lawful owners of the unidentified companion animals that are submitted to them by scanning for embedded microchips. The bill provides that such scanning shall be conducted at the time of intake, at the time of assessment, and prior to disposition and that a reasonable effort shall be made to contact the owner. The bill also requires that documentation of such scanning and any attempts to contact the owner be maintained for at least 30 days from the date of final disposition of the animal. The requirements of the bill do not apply to transfers between veterinarians, shelters, or releasing agencies.

**HB 158/SB 4 Emergency Services and Disaster Law; limitation on duration of executive orders.** Limits the duration of any executive order issued by the Governor pursuant to his powers under the Emergency Services and Disaster Law to no more than 45 days from the date of issuance. The bill provides that if the General Assembly does not take any action on the rule,

regulation, or order within the 45 days during which the rule, regulation, or order is effective, the Governor shall thereafter be prohibited from issuing the same or a similar rule, regulation, or order relating to the same emergency. Under current law, once issued, such executive orders are effective until June 30 following the next regular session of the General Assembly. This bill incorporates SB 166 and SB 73.