

Big Picture

There are several BIG issues on the table this session: Budget, tax reform, redistricting, coal ash, casino gambling, marijuana, and ERA... just to name a few. Oh, and don't forget, it's an election year!

The General Assembly was gavelled into its 2019 regular session at noon this past Wednesday. In his annual State of the Commonwealth address to the assembled Delegates and Senators that evening, Governor Northam called for dialogue and civility on hot button issues. Both are likely to be tested, as the General Assembly must decide how to deal with roughly \$2.1 billion in additional general fund revenue, much of it the direct result of tax changes enacted by the U.S. Congress.

The Governor's introduced budget proposes to spend much of that revenue on programs and services while making the existing State Earned Income Tax Credit refundable.

House budget leaders announced Thursday that their budget would not include spending any of the federal tax change revenue until the tax issue is settled, while Senate leaders continued to play it close to the vest. This will idle about \$1.2 billion of the increased revenue, along with most of the Governor's proposed spending increases. \$462.5 million of the remaining \$900 million will have to be used to correct errors in the current Medicaid program forecast while the balance will be required for numerous previous commitments. Any predictions on the budget outcome at this time would amount to pure speculation, so we will refrain from engaging in same.

Wednesday was the deadline for pre-filing bills and almost 1,900 have been recorded in the Legislative Information System thus far. Delegates and Senators still have one more week to file bills, so this total will only increase. As usual, bills affecting local government are abundant.

RVA LEGISLATIVE AGENDA

Financing for Public Housing Replacement

The Virginia Housing Commission met on December 21, 2018 and heard presentations on, "Addressing the Capital needs of Public Housing Communities in the Commonwealth." Speakers included Susan Dewey, Virginia Housing and Development Authority, Philip Page, Jr., Virginia Association of Housing and Community Development Officials (VAHCDO) and Franklin Redevelopment & Housing Authority on the "Perspective from a Small Authority and Leadership Perspective," and, lastly, Orlando Artze, Richmond Redevelopment and Housing Authority (RRHA) on the "Prospective from a Large Authority." VHDA is working on a survey to go out to all housing authorities in the state to determine goals and future needs. Once compiled, the results will be shared with the Virginia Housing Commission who will be working on the issue throughout 2019.

Mandatory Affordable Dwelling Unit Program

Delegate Betsy Carr introduced HB 1670 and Senator Dance, SB 1192 which add the City of Richmond to the list of localities with the authority to provide an affordable dwelling unit program. The bills have been assigned to committee, but hearing dates are unknown at this time. We have heard from the Homebuilders of Virginia and the Virginia Association of Realtors of

their opposition to the bills, as well as a commitment to work with the City on those specific issues that may be remedied without ADU authority. Committee Senators and Delegates will want to hear what authority the City needs that they do not presently have. Or, put another way, what three things would the City put in its mandatory ADU ordinance to help the Richmond affordable housing situation?

Natural Gas Utility

No legislation at this time, per DPU/Gas Utility.

Reporting of Stolen Firearms

Delegate Jeff Bourne introduced HB 1644 and Senator McClellan SB 1324 dealing with reporting for lost or stolen firearms and the imposition of a civil penalty for failure to report. Governor Ralph Northam included this bill in his Legislative Proposals to Combat Gun Violence and Improve Safety in the Commonwealth. We are working with RPD Interim Police Chief Smith and RPD General Counsel on providing testimony when the bills are heard in sub/committee.

Local Government Lobbying

Delegate Dawn Adams (HB 2061) and Senator Roslyn Dance (SB 1194) introduced bills, as per the recommendation of the Richmond City Council Ethics Reform Task Force, to be included as a locality, under § 15.2-1408, allowed to adopt an ordinance restricting local elected official and local employees from lobbying for one year after their terms have ended. Councilpersons Agelasto and Larson have been requested to testify, as they were the patrons for this resolution.

Charter Change, Voter Registration and Absentee Balloting Deadlines for Run-Off Elections

HB 2052, Delegate McQuinn and SB 1193, Senator Dance, have been introduced to change the City's charter to accommodate voter registration and absentee balloting deadlines when there is a run-off election. We heard from Richmond Registrar of Elections, Kirk Showalter, that the requested language has an undesirable effect when it comes to the absentee balloting deadlines. We are working with Ms. Showalter to get the corrected language in order to amend the bills when they come up in committee. As presently written, the absentee balloting deadlines presume voters know about run-off elections, when in fact, there would be no way they could know about a deadline in advance of knowing there would be a run-off election.

Public Education Funding

RPS passed its 2019 Legislative Positions and Policy Statements last week and has 18 budget amendments requesting a total of over \$600 million, as well as language changes to the state budget dealing with education.

Requests for Support - City Council

[HB 1645](#) Del. Bourne,

Virginia Fair Housing Law; unlawful discriminatory housing practices. Adds discrimination on the basis of a person's source of income to the list of unlawful discriminatory housing practices. The bill defines "source of income" as any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity.

[HB 1647](#) Del. Bourne / [SB 1062](#) Sen. McClellan

Virginia Fair Housing Law; unlawful discriminatory housing practices. Prohibits any locality, its employees, or its appointed commissions from discriminating (i) in the application of local land use ordinances or guidelines; (ii) in the permitting of housing developments on the basis of race, color, religion, national origin, sex, elderliness, familial status, or handicap; or (iii) in the permitting of housing developments because the housing development contains or is expected to contain affordable housing units occupied or intended for occupancy by families or individuals with incomes at or below 80 percent of the median income of the area where the housing development is located or is proposed to be located. The bill also requires the Fair Housing Board, after determining the existence of an unlawful discriminatory housing practice and after consultation with the Attorney General, to immediately refer the matter to the Attorney General for civil action.

[HB 1923](#), Del. Bourne /

Virginia Residential Landlord and Tenant Act; noncompliance with rental agreement; tenant's right to reasonable attorney fees. Provides that a tenant is entitled to reasonable attorney fees when an action brought by a landlord to enforce the terms of a rental agreement is dismissed at the request of the tenant or tenant's attorney or judgment is entered in favor of the tenant.

Housing Commission Eviction Bills for City Council Support

Six bills introduced coming out of the Virginia Housing Commission's Evictions Task Force that are designed to accomplish several objectives:

(1) HB 2054, Del. Carr / SB 1676 Sen. Stanley

Require landlords to provide tenants with written leases; and in the absence of written leases, mandate that the rental term is 12 months with the rent to be paid in monthly installments.

(2) HB 2007, Del. Aird / SB 1448, Sen. Locke

Stipulates that if a writ of eviction is not executed within 30 days of its issuance, it will be vacated.

(3) HB SB 1445, Sen. Locke Extend the period of time that a tenant can pay what is owed and avoid eviction; the proposed legislation would give tenants up until two business days prior to the scheduled eviction date to pay all money owed.

(4) HB 2655, Del. Collins / SB 1450, Sen. Locke

Creates an eviction diversion program. This pilot program would be undertaken first in the cities of Danville, Hampton, Petersburg, and Richmond. The goal of the diversion program will be to create a court-ordered payment plan between the tenant and landlord that will prevent tenants from

losing their housing, while at the same time ensuring that landlords receive the rent and fees due to them.

City Council Positioning:

HB 1921, Delegate Jeff Bourne. Permits any school board to finance capital projects with any funds appropriated to it by the local governing body that are unexpended by the school board in any year.

HB 2450 Annexation; alternatives. Makes the current temporary moratorium on city annexation permanent by removing the expiration date and references to city annexation throughout the Code. Similarly, provisions regarding county immunity to city annexation are repealed. Towns will continue to have annexation authority. Other amendments seek to promote alternatives to city annexation, including granting authority for a city reverting to town status to refer to itself as a dependent city rather than a town. The bill establishes the Local Government Efficiency Analysis Fund to encourage localities to explore consolidation, city reversion, inter-local agreements and other local operational efficiencies that may lead to improved economies of scale and more efficient service delivery. The bill is based on selected recommendations of the Commission on Local Government's recently completed study of annexation alternatives. (Wilt) Committee referral is pending. **As affects CoR – A permanent moratorium is problematic; provision of HB599 funding; provisions related to revenue sharing or shared services with surrounding localities could be affected.**

SCOOTER LEGISLATION: Several bills from the scooter industry --- Lime, Bird. Amendments will be introduced next Monday to the previously prepared legislation. Richmond has gone on it's own using key concepts from other localities in the US who have had scooters dumped on their streets.

- **HB 1786, Del. Hurst / Vehicles on sidewalks.** Adds "other power-driven mobility devices," as defined by federal regulations, to the list of vehicles that can legally be ridden or driven on sidewalks.
- **HB2214, Del. Jay Jones (Norfolk) / Motorized skateboards or foot-scooters; operation; local authority.** Authorizes localities to prohibit or regulate the operation of companies providing motorized skateboards or foot-scooters for hire. The bill authorizes localities to regulate certain aspects of the operation of motorized skateboards and foot-scooters. The bill makes consistent the operational requirements for motorized skateboards or foot-scooters and similar devices, **including (a) allowing motorized skateboards and foot-scooters to be driven on sidewalks**, (b) requiring motorized skateboards and foot-scooters driven on a roadway to be driven as close to the right curb as is safely practicable, (c) prohibiting the operation of motorized skateboards or foot-scooters on any Interstate Highway System component, and (d) requiring operators of motorized skateboards and foot-scooters to give hand signals and have lights on such vehicle. The bill prohibits operating a motorized skateboard or foot-scooter at a speed faster than 20 miles per hour.
- **HB 2232, Del. Bagby / Motorized skateboards or foot-scooters; operation; local authority.** Authorizes localities to prohibit or regulate the operation of companies providing motorized skateboards or foot-scooters for hire. The bill authorizes localities to regulate certain aspects of the operation of motorized skateboards and foot-scooters. The bill changes the definition of motorized skateboard or foot-scooter by (i) removing the

requirement that such device have no manufacturer-issued vehicle identification number, (ii) removing the requirement that the motor or engine be of a certain maximum power, (iii) providing that such device weighs less than 100 pounds and has a maximum speed of no more than 20 miles per hour, and (iv) providing that such device may be powered in whole or in part by the motor or engine. The bill makes consistent the operational requirements for motorized skateboards or foot-scooters and similar devices, including (a) allowing motorized skateboards and foot-scooters to be driven on sidewalks, (b) requiring motorized skateboards and foot-scooters driven on a roadway to be driven as close to the right curb as is safely practicable, (c) prohibiting the operation of motorized skateboards or foot-scooters on any Interstate Highway System component, and (d) requiring operators of motorized skateboards and foot-scooters to give hand signals and have lights on such vehicle

Bills FYI

HB 1856 Control of firearms; libraries owned or operated by localities. Allows a locality to adopt an ordinance that prohibits firearms, ammunition, or components or a combination thereof in libraries owned or operated by the locality. (Del. McQuinn)

HB 1992 Allows localities and authorized agents of such localities to regulate the possession of firearms, ammunition, or components or combination thereof in, or the carrying of such items into, any building owned or used by such locality for governmental purposes. Also removes the prohibition against a locality regulating the purchase, transfer, ownership, carrying, storage, or transporting of such items. (Del. Price)

Budget Request Highlights:

- Industrial Revitalization Fund Grants for Port Host Localities, \$5 million. Submitted by Senator Lucas and Delegate Matthew James. All members of the Richmond delegation signed on as co-patrons (as did legislators from the other Port Localities)
- RPS Education-Related Budget Amendments aligned with the RPS Legislative Program for 2019 G.A. – 18 Budget Amendments / \$600 million ask.

Virginia First Cities Budget Amendments:

- Enterprise Zone Increase to avoid grant proration, \$4.1 million in each year. (Senator Ruff and Delegate James)
- Brownfields: Increase by \$2.7 million (Sen. Ruff, Del. James)
- Urban Public Private Partnership: \$5 million (Sen. Ruff, Del. James)
- Virginia Communities Gateway Program - \$2.51 million (Sen. Ruff, Del. James)
- Teacher Residency Program – Adds \$500,000 (Del. McQuinn/Sen. Dance)
- Employment for TANF/CommWealth Building–Adds \$3.8 million for 2nd grant round (Del. McQuinn, Sen. Hanger)