



October 11, 2019

TO: Meghan K. Brown, Interim Council Chief of Staff

FROM: Ron Jordan, Advantus Strategies, Managing Director

RE: City of Richmond Legislative Package Update

Attached please find an updated draft of the Richmond Legislative Proposals for the 2020 Virginia General Assembly. This latest draft is consistent with discussions coming out of the October 2, 2019 luncheon with the members of the city's state legislative delegation.

In brief, the draft changes (highlighted in yellow) include:

- Public Education Funding statement to align and more closely collaborate with the RPS Legislative Agenda. (Pages 1 and 4);
- Relocating the housing tax changes to a broader category entitled, "Affordable Housing, Gentrification and Eviction. a) A brief statement as to the import of these issues to the city; b) Deletion of the reference to §15.2-2304, as there may be a new statute proposed that accomplishes the same; c) Clarification that item "Land Value Taxation" must be applied city-wide, not by neighborhood;
- Clarification under "Thriving & Healthy Futures for Children, Adults & Families Oral Health/Dental Services" that it would apply to **adults** enrolled in Virginia's Medicaid service plan;
- Added item entitled "Jail Mental Health" under Safe Neighborhoods

cc: Lincoln Saunders, Chief of Staff, Office of the Mayor
Jason Kamras, Superintendent of RPS
Matthew Stanley, Director of Advocacy and Outreach, RPS
Joyce Davis, Council Policy Analyst, Richmond City Council

Legislative Requests

Funding

Public Education Funding - Provide full and equitable funding for the true costs of public education in the Commonwealth of Virginia. Immediate goals should be increasing funding through equity-based funding streams, removal of the funding caps for support staff, and providing sufficient general funds for direct aid programs so that 100 percent of the lottery proceeds can be returned directly to local schools for discretionary use. Further, meaningful state financial support for school modernization and construction is critical, either by maximizing Lottery funds and/or creation of a new funding stream.

Payment in Lieu of Taxes (PiLoT) - Provide full funding for the PILOT in the City of Richmond.

Affordable Housing, Gentrification, and Eviction

The City seeks all possible tools to deal with the impacts of a market that, on the one hand, is vibrant, and on the other is driving home prices upward to the point of being unaffordable for a vast majority of residents. The following state legislation and the passage of legislation enumerated under 21st Century Richmond: Planned Growth Economic Progress & Affordable Housing would be most helpful as we build a Richmond for all.

Inclusionary Zoning/Mandatory Affordable Housing – The City of Richmond should be given the authority to adopt an affordable housing dwelling unit/inclusionary zoning program that is responsive to the demands of the Richmond market. ~~Authorize the City of Richmond to adopt an affordable housing dwelling unit program to address housing needs, promote a full range of housing choices, and encourage the construction and continued existence of moderately priced housing. Add the City to the list of local governments in §15.2-2304 that are permitted to adopt inclusionary zoning ordinances.~~

Land Value Taxation - Authorize the City of Richmond to implement a land value tax, as is permitted in the Cities of Fairfax, Poquoson, and Roanoke by State Code §58.1-3221.1. “Classification of land and improvements for tax purposes.” [After the discussion of this item at the October 2nd luncheon with General Assembly delegation members, we wish to clarify, (as confirmed by legal counsel) that § 58.1-3221.1 must be applied citywide, or not at all. In other words, a certain neighborhood or area of the city cannot be singled out for application of a different tax rate between land and improvements. It’s all or none.]

Affordable Housing Redevelopment Tax Exemption – To encourage affordable housing opportunities, provide local governments the authority to extend the partial tax exemption for affordable housing in redevelopment districts from 15 years to 30 years by amending § 58.1-3219.4.

Local Homestead Property Tax Exemption - Authorize localities to establish a local Homestead Property Tax Exemption program that would allow a lump sum deduction from the assessed value of a residential single-family home based on a fixed deduction amount that is set by the local governing body on an annual basis. Provide an exemption of up to 20% of the just value of the homestead. Eligibility criteria for the local option homestead property tax exemption would be the same as the state homestead property tax exemption program.

Transportation

Regional Transportation – Develop a tax structure to fund regional transportation infrastructure projects and expand public transit access across the Richmond region. The regional tax structure could potentially employ the same taxes structure used in Northern Virginia (§ 33.2-2500 – 2512) as well as a ride sharing tax.

RMTA Board Composition – Modify the City of Richmond membership on the Richmond Metropolitan Transportation Authority Board to require the appointment of one Council member with remaining appointments made by the Mayor with approval of Council. §33.2-2901 currently reads: “Any of the three localities may, in its discretion, appoint as one of its Board members an elected officeholder who is a member of the governing body of that locality.”

City Charter

Changes related to residency:

- Clarify the residency requirement for Council Members;
- Clarify the authority to remove an elected official who is in violation of a Charter residency requirement.

Position Statements



21st Century Richmond: Planned Growth Economic Progress & Affordable Housing

Housing/Eviction Issues

A total of 30.9% of all Richmond renters receive a notice of eviction in any given year. An eviction poses an immediate risk of homelessness and loss of personal property. The effects of eviction on the social fabric of the city’s most vulnerable play out daily and in the lives of children whose education and lives are disrupted. There is a real cost to the city, whether it’s the actual cost to landlords and sheriff’s departments to carry out evictions or the many hidden costs.

Support efforts to:

- Remove barriers to obtaining housing in neighborhoods offering greater opportunity to those using Housing Choice Vouchers and add “legal source of income” to Virginia’s Fair Housing Law
- Support funding for the Statewide Eviction Diversion Program so funding can help address back-rent payments
- Bolster the Richmond Eviction Diversion Pilot Program
- Support the expungement of unlawful detainers and writs that are dismissed by the court.

- Obtain tenant representation on the Virginia Housing Commission and the Virginia Fair Housing Board
- Establish an eviction diversion fund for emergency rental assistance
- Discourage unlawful evictions, bolster tenant's rights with a warranty of habitability
- Additional funding for the Virginia Affordable Housing Trust Fund and provide that a portion of the Housing Trust Fund be made available for localities that have their own established Housing Fund (via local match) to provide grants supporting innovative housing projects and low-and-moderate income housing projects located in areas experiencing extreme shortages of such housing
- Amend state law to include sexual orientation and gender identity to Virginia's Fair Housing Law
- Preserve and increase the stock of safe and healthy affordable housing.

Public Housing Remediation – Support an increase the Virginia Brownfields Restoration and Remediation Fund by \$3 million in FY 20 and FY 21 for redevelopment of infrastructure at public housing sites built on a landfill.

Uniform Partition Heirs Property Act - Support adoption of the UHPA in order to stabilize tenancy-in-common ownership for disadvantaged families and make heirs' property ownership more secure and preserve the real estate wealth of heir's property owners.

Out-of-State Landlord Performance Bond - Support a requirement that out-of-state limited liability companies who own residential rental properties in Virginia post a performance bond.

Landlord Registry - Support authorization for localities to establish a landlord registry for long-term rentals similar to that provided for short-term rentals.



Thriving and Healthy Futures for Children, Adults & Families

Food Deserts - Support funding for efforts to expand and ensure greater access to healthy food for residents of the Commonwealth. This would include a \$5 million appropriation for the Virginia Grocery Investment Fund to provide incentives for entities willing to develop full-service grocery stores in food deserts.

Include Oral Health/Dental Services in the State Medicaid Plan - Support the inclusion of oral health and dental services **for adults** enrolled in Virginia's Medicaid service plan. Additionally, eliminate the work requirement as a consideration for receiving healthcare coverage.

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

Wrap Around Child Care Services - Support efforts to provide seamless, affordable access for the most at-risk families to quality wraparound early childhood services – including home visiting, subsidized childcare, and preschool.

Living Wage - Support adoption of a State policy requiring state and local government employers to provide/pay a living wage and encourage private sector employers to pay a living wage.

Environment/Plastic Bags - Support authorization for localities to impose a tax on all plastic bags used at checkout thereby reducing the usage of plastic bags, reducing waste, and promoting the use of recyclable bags.

Sweetened Beverages Tax - Support giving local governments the ability to levy taxes on sweetened beverages in order to decrease sugar consumption and fight childhood and adult obesity, cardiovascular and diabetes illnesses.

#Dreams4RPS Education Priorities - Support the Richmond Public Schools' Legislative Agenda developed in alignment with the RPS strategic plan #Dreams4RPS. Priority areas include:

- **Priority 1 – Exciting and Rigorous Teaching and Learning:** *Equity-Based Funding, Expand Early Childhood Programs, ELL and Exceptional Education Resources, Instructional Hours*
- **Priority 2 – Skilled and Supported Staff:** *Teacher and Staff Compensation, Support and Process Improvements for MOU Districts*
- **Priority 3 – Safe and Loving School Cultures:** *Support Staff, Trauma-Informed Care, Student Discipline, Alternative Education*
- **Priority 4 – Deep Partnerships with Families and Communities:** *Parent Teacher Home Visits, LGBTQ+ Staff and Students*
- **Priority 5 – Modern Systems and Infrastructure:** *School Modernization and Construction, Energy Efficient Infrastructure, Local Composite Index Reform*

Virginia First Cities Coalition – (Placeholder) Support for the Virginia First Cities 2020 Legislative Program.

Virginia Municipal League – (Placeholder) Support for the Virginia Municipal League 2020 Legislative Program.



Sustainable Infrastructure Investments

Combined Sewer Overflow - Richmond has been making consistent progress in addressing the environmental effects of its combined sewer system. Any General Assembly attempts to advance the timeline for combined sewer overflow abatement without additional state funding in an amount sufficient to cover the increased cost of that effort, should be opposed. The RVA H2O Clean Water Plan, creates an integrated approach to wastewater, stormwater, and drinking water, bringing the utilities under one watershed management program, so that together, the City will achieve cleaner water faster.

Street Maintenance Formula – Support changes to the State funding formula for urban street paving and maintenance to ensure equitable funding for independent cities and urban areas that in the current formula do not receive adequate funding for on-street parking areas and turning lanes. Increase the amount of money available for cities for street maintenance needs.

School Construction Commission - Support the creation of a Virginia School Construction Commission to identify funding sources for a state program of financial assistance for school construction and renovation and to guide the design, building management, and standardization of all new school construction and additions.



Safe Neighborhoods

Radar-Enabled Speeding and Red Light Cameras – Support authorization for localities to use radar-enabled speeding and stoplight cameras to further Vision Zero goals by issuing educational no-fee citations for first time offenders. (Cities currently have authority for red light cameras. Radar-enabled speeding cameras would require new statute akin to that for red light cameras).

Firearms in Local Facilities– Support authorization for local governments and school boards to ban firearms in municipal buildings, non-school educational facilities, parks, and polling places.

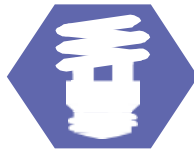
Firearms Universal Background Checks – Support a system of universal background checks for all firearms transactions by closing the gun show loophole.

Extreme Risk Protective Orders - Create a procedure by which the Commonwealth’s Attorney or a law-enforcement officer may apply to the appropriate court for an emergency substantial risk order to prohibit a person who poses a substantial risk of injury to himself or others from purchasing, possessing, or transporting a firearm.

High Capacity Firearms Magazines – Prohibit the importation, sale, transfer, manufacture, purchase, possession, or transportation of large-capacity firearm magazines, silencers, and trigger activators.
New

Lost or Stolen Firearms Reporting- Require the loss or theft of the firearm be reported to any local law-enforcement agency or the Department of State Police within 24 hours after such person discovers the loss or theft.

Jail Mental Health - Support legislation to improve recovery and reduce recidivism for people with behavioral health conditions who find themselves in the criminal justice system.



Responsive, Accountable & Innovative Government

Redistricting Reform – Council believes that it is in the best interests of the citizens of the city of Richmond that there should be an amendment to the Constitution of Virginia to create a Virginia Redistricting Commission charged with establishing Virginia voting districts drawn in accordance with the requirements of federal and state laws that address racial and ethnic fairness using clear, objective, and well-defined criteria and that it be enacted in the 2020 session and put before the electorate in the 2020 general election.

Election Day Paid State Holiday - Support the designation of Election Day as a state holiday.

Juneteenth - Support the designation of Juneteenth as a state holiday.

City Charter

The following items are under discussion between the City Council and the Office of the Mayor.

- **Budget Veto** - Clarify that Council has 14 days to override a budget veto, notwithstanding the May 30th deadline for city budget adoption;
- **Post-adoption Budget Amendments** - Authorize Council to propose and enact post-adoption budget amendments that appropriate non-recurring revenues or revenues from a fund balance;
- **Amend Mayor's Budget Amendments** - Authorize Council to amend any post-adoption budget amendments proposed by the Mayor;
- **Council CIP Reallocation** - Require Council approval for any reallocation of Capital Improvement Plan funds from a completed projected.

Other changes:

- **Closed Session** - Authorize Council to limit attendance at any closed session only to members and designated staff;
- **Legal Counsel/City Attorney** - Establish separate legal service entities for the Council, the Mayor and City agencies with a dispute resolution process through binding arbitration for use between the entities to resolve differences. This will affect the role of the Office of City Attorney.