

2021 City of Richmond

Legislative Proposals for the Virginia General Assembly

EDUCATION

1. **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. *In addition to this statement, it is suggested to coordinate with RPS on their legislative priorities, which should include any other information germane to budgetary deficits, the fiscal impact of COVID-19, instructional requirements and mandates.* (Newbille, Larson)

EVICTION/LANDLORD TENANT

2. **Eviction Relief for those Experiencing Hardship Due to COVID-19** – Additional funding for those unable to pay rent because of reduced hours or job loss, extended grace periods for renters (two weeks rather than 5 days to allow people to receive their next pay check), moratorium on eviction filing. (Jones)

Categories: COVID-19, Eviction, Housing

Status: Will have additional information upon conclusion of Special Session.

3. **Landlord Registry** – Allow localities to develop a landlord registry that requires landlords to register each unit they own and requires contact information for the landlord themselves or an individual designated by the landlord. Localities should be able to charge a fee to maintain the registry. (Jones)

Categories: Eviction, Housing, Virginia Landlord Tenant Act

Code: New section under Title 15.2: Counties, Cities and Towns and a new section under Chapter 12: Virginia Residential Landlord and Tenant Act

Question for the City Attorney: Can the City currently require this or is state authorization needed?

4. **No Nuisance Ordinance Evictions** – Tenants cannot be evicted for violating a nuisance ordinance or for having police called to their residence. (Jones)

Categories: Eviction, Housing, Virginia Landlord Tenant Act

Code: §55.1-1227(A)(12): Be responsible for his conduct and the conduct of other persons, whether known by the tenant or not, who are on the premises with his consent, to ensure that his neighbors' peaceful enjoyment of the premises will not be disturbed. (Jones)

§55.1-1245: Noncompliance with rental agreement; monetary penalty

- Seems vague and is more in favor of landlords. Needs more clarity to better support tenants.

§55.1-1245(B): If the breach is remediable by repairs or the payment of damages or otherwise and the tenant adequately remedies the breach prior to the date specified in the notice, the rental agreement shall not terminate.

Notes: Re §55.1-1245(B): Effective July 1, 2020, residential tenants can hire someone to make repairs affecting the health and safety of their home if their landlord has failed to make the repairs within a reasonable period and then deduct the cost of the repairs from the rent. **Question for the City Attorney: Would this invalidate existing rental contracts with such provisions?**

5. **Early Lease Termination** because of medical reason for renters who are seniors and/or people with disabilities – Seniors and people with disabilities who need to move due to medical reasons that make them unable to care for themselves should be allowed to terminate their lease early. (Jones)

Categories: Eviction, Housing, Virginia Landlord Tenant Act

Code: New section similar to §55.1-1235 (early termination of rental agreement by military personnel) and §55.1-1236 (early termination of rental agreements by victims of family abuse, sexual abuse, or criminal sexual assault)

Question for the City Attorney: Would this invalidate provisions in existing rental contracts.

6. **Sealing Eviction Records** - Records within a certain time of the eviction filing should be sealed, expunging records for eviction cases dismissed or decided in favor of the tenant should be expunged, and/or expedited record expungement. Each of these would increase access to housing opportunities because it would remove the weight of an eviction from a tenant's application. (Jones)

Categories: Eviction, Housing, Virginia Landlord Tenant Act, Courts, Records

Code: §55.1-1209: Confidentiality of tenant records

Possibly Title 16.1: Courts Not of Record or Title 17.1: Courts of Record

7. **Legal Counsel for Tenants** – Tenants facing eviction for reasons other than nonpayment of rent should be entitled to legal counsel. The Eviction Diversion Program only provides assistance for those facing eviction because of nonpayment of rent. Tenants who have representation throughout eviction proceedings fare better than those who do not have access to an attorney. (Jones)

Categories: Eviction, Housing, Virginia Landlord Tenant Act, Courts

Code: Title 55.1, Chapter 12, Article 7 (Eviction Diversion Pilot Program under the Virginia Residential Landlord and Tenant Act)

Notes: On Aug. 31, Governor announced \$4 million to expand legal services (20 new attorneys for tenant/eviction issues.)

8. **Decrease to Maximum Amount for Security Deposit** – Decrease the maximum amount a landlord may ask for to the equivalent of one month's rent. The current maximum is two months' rent. (Jones)

Categories: Eviction, Housing, Virginia Landlord Tenant Act

Code: §55.1-1204(C)6:

C. If a landlord does not offer a written rental agreement, the tenancy shall exist by operation of law, consisting of the following terms and conditions:

The landlord may collect a security deposit in an amount, or require damage insurance coverage for an amount, or any combination thereof, not to exceed a total amount equal to two months of rent.

Items 2 through 8 – Communicate and coordinate with Va Poverty Law Center Also need to see what happens on these issues at the Special Session.

HOUSING

9. **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. (Newbille)
10. **Inclusionary Zoning/Affordable Housing** – The City of Richmond should be given the authority to adopt an affordable housing dwelling unit/inclusionary

zoning program that is responsive to the demands of the Richmond market. (Newbille, Robertson, Larson)

The 2020 General Assembly passed SB 834 (McClellan)/HB 1101 (Carr) that allows localities to adopt an affordable housing ordinance/affordable housing dwelling unit program). **Effective 7/1/20**

11. **Affordable Housing Trust Fund**-The City supports additional state funding for the Virginia Housing Trust Fund. The City also supports providing for a portion of the Fund to be used to provide matching funds to localities that have established local housing funds and grants to be made from the Fund. Increase the Affordable Housing Trust Fund in FY 22 by at least \$25 million and to include new language in the proposed budget to support innovative housing projects and low-and moderate-income housing projects that are located in areas experiencing extreme shortages of such housing. (Newbille, Robertson)

NOTE: The 2020 General Assembly provided increased funding for the Virginia Housing Trust Fund and an additional increase is being considered during the Special Session: to \$55 million in FY 21, the FY 22 amount is \$30 million.

12. **Mandatory Affordable Dwelling Unit Program** - The City requests that §15.2-2304 of the Code of Virginia, which allows certain localities to adopt a mandatory affordable dwelling unit program, be amended to include/apply to the City of Richmond. (Newbille)

The passage in the 2020 General Assembly of Sen. McClellan's SB 834 and Del. Carr's HB 1101 was deemed to be an option for those localities that are not expressly named in § 15.2-2304. **The City of Richmond needs to decide whether they would prefer the affordable dwelling unit strictures of § 15.2-2304 or of § 15.2-2305.1 FYI --- The City of Charlottesville opted in to § 15.2-2304 during the 2020 General Assembly Session. The City must use either 15.2-2304 or 15.2-2305.1.**

13. **Zoning Laws to Eliminate Discrimination for Transitional Housing** - Require zoning laws to allow housing choices by right for shelters and transitional housing which would eliminate housing discrimination for homeless shelters and transitional housing. (Robertson)

14. **Tax Abatement for Low Income Housing** – Forego tax abatement for non-profit housing or developers to allow tax abatement for taxes if they create or provide low income and affordable housing. (Robertson)

15. **New Construction Affordable Housing Tax Abatement** not restricted to conservation areas - Remove the restrictions of tax abatement for new construction and affordable housing in conservation area only, which would move it out of conservation areas. (Robertson)

16. **Amend Mandatory Labor Agreement Laws** terms and conditions - Consider legislation for procurement to require a community partnership agreement when there is any public investment. (Robertson)
17. **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. (Larson)

GOVERNMENT/OPERATIONS

18. **Statewide Disparity Study with a Focus on Minority Business Contractors** (similar to the study being done for the city). (Jones)

Categories: Studies, Minority Business Enterprises, Procurement, Equity

19. **Study on Virginia's procurement process related to minority business enterprises** and spending (percentage and dollar amount) on minority business enterprises as compared to non-MBEs. (Jones)

Categories: Studies, Minority Business Enterprises, Procurement

For Items 18/19: HB 123 (Del. Jason Miyares (R-Virginia Beach) in the 2020 General Assembly session was carried over to the 2021 General Assembly session. It would establish a 13-member legislative commission to promote the growth and competitiveness of Virginia minority-owned businesses.

HB 394 (Del. Jeion Ward D-Hampton) passed and was effective on 7/1/20. This bill established the position of Director of Diversity, Equity, and Inclusion (the Director), to be appointed by the Governor. The Director is empowered to (i) develop a sustainable framework to promote inclusive practices across state government; (ii) implement a measurable, strategic plan to address systemic inequities in state government practices; and (iii) facilitate methods to turn feedback and suggestions from state employees, external stakeholders, and community leaders into concrete equity policy.

I think a study by the State was either just completed or is underway at direction of the Governor. Last one was done under Warner.

20. **Stormwater Funding** - Funding for stormwater infrastructure improvements – More funding from the state is needed to help Richmond maintain current infrastructure and install new infrastructure. The Stormwater Local Assistance Fund (SLAF) should receive more funding beyond \$50 million and cost matching between the state and localities should be reexamined as this model is not equitable for smaller, independent cities with lower tax bases. (Jones)

21. **Street Maintenance Formula**- Revise the State funding formula for 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. (Newbille and Addison)

The Richmond payment from the VDOT Local Assistance Division Urban Municipal Mileage and Payments for FY20 is \$ 28,015,368.50. This is an issue the City members of VML and VFC should also be raising through those larger groups.

<https://lis.virginia.gov/cgi-bin/legp604.exe?151+ful+CHAP0722>

22. **Exclusion of Designees from the Mayor's Office from City Council Closed Session Meetings**- Authorize Council to limit attendance at any Council closed session only to members and designated staff. (Larson)

General Assembly has traditionally wanted some agreement between the Mayor and Council before moving forward on charter changes. § 5.05. General duties; mayor. It shall be the duty of the mayor to: (a) Attend, or appoint a designee empowered to answer questions and make recommendations on behalf of the mayor to attend, all meetings of the council with the right to speak but not to vote; the mayor or his designee shall have the right to attend a closed meeting pursuant to § 2.2-3711 of the Code of Virginia, unless the council determines that the subject matter of the closed meeting includes the office of the mayor and that inclusion of the mayor or his designee shall be detrimental to the purpose of the council's deliberations;

23. **Extend State Real Estate Tax Sale Law** – Change state law as it relates to property rights of heirs. (Robertson)

24. **Blight (HB 755)** –With regard to HB 755 implementation, ensure Richmond City is added and provisions are considered with adjustments for inclusion for blight with this current legislation. It is proposed to request the stress index be adjusted to include the City of Richmond. As it reads, the current index of 107 includes Petersburg and Emporia only. The density of Richmond, age and dereliction of buildings in the area needs to be addressed.

Include Richmond in the HB755 legislation and amend the chapter by lowering the threshold to a score of 103 on the VDCD 20`18 Fiscal Stress Index to include the City of Richmond. (Hilbert)

SOCIAL/HUMAN SERVICES

25. **Medicaid Expansion** – Expand Medicaid to include oral health and dental services for adults. Additionally, eliminate the work requirement as a requirement and consideration to receive Medicaid coverage. (Newbille)

26. **Mental Health** – The city supports additional funding in FY 22-23 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. (Newbille)

The 2020 General Assembly provided additional funding for this item and is poised to provide more funding during the special session.

27. **Wrap Around Child Care** – The City supports efforts to provide seamless, affordable access for the most at-risk families to quality wraparound early childhood services – including home visiting, subsidized child care, and preschool. (Newbille)

25-27 Position Statements?

The 2020 General Assembly provided additional funding for these items, federal CARES act funding has been provide during the pandemic and the General Assembly is poised to provide more funding during the special session. The larger issue may be the coordination of these services.

VIRGINIA & GENERAL LAWS

28. **Ban on Militaristic Weapons and Military-Grade Vehicles in Local Departments**
- Ban local police from receiving funding for, dedicating funding to, and purchasing militaristic weapons and vehicles. “Militaristic weapons” includes, but does not need to be limited to, tear gas, rubber bullets, wooden bullets, and flash bangs. (Jones)

Categories: Police, Public Safety, Weapons

Code: §18.2-312. Illegal use of tear gas, phosgene and other gases; §18.2-308.3. Use or attempted use of restricted ammunition in commission or attempted commission of crimes prohibited; penalty; and, §6VAC20-20-21. Compulsory Minimum Training Standards and Requirements.

Special Session, HB 5049, Del. Dan Helmer (D-Fairfax) includes all the bans requested above. SB 5030, Sen Mamie Locke (D – Hampton) also addresses this and amended to restrict acquisition of (i) tracked armored vehicles; (ii) weaponized aircraft, vessels, and vehicles of any kind; (iii) firearms of .50-caliber or higher; (iv) ammunition of .50-caliber or higher; (v) grenade launchers; and (vi) bayonets. The issue will be resolved during the Special Session.

29. **End Discriminatory Profiling** – Protect Virginians against discriminatory profiling. (Robertson)

Special Session: HB 5109 (Del. Hope) operating procedures, guidelines, and standards for community policing in order to ensure sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for bias-based profiling.

30. **Virginia Oversight Law** – Include law enforcement of the State Police as part of the Civilian Review Board legislation for independent review by citizens. (Robertson)

SB 5035 (Hashmi) and HB 5055 (Del. Herring) – **Does not** include the State Police; SB 5035 also does not include Sheriffs.

31. **Protect Virginians against unlawful searches** (Robertson)

Special Session/No Knock Warrants **on way to passage in each chamber with modifications.**

32. **Require Officers to identify and explain themselves to the public** (Robertson)

33. **Mandatory statewide equity and equality plan** with certain terms and conditions (Robertson)

The Governor has tasked the Office of Diversity, Equity, and Inclusion for the Commonwealth of Virginia to create a Strategic Plan for Diversity and Inclusive Excellence. Virginia's Chief Diversity Officer, Dr. Janice Underwood, will lead the draft template of the plan intended to advance visible diversity, equity, and inclusion for state government agencies. The forums that were scheduled to receive public input have been cancelled because of CV-19 concerns. But they are looking for ways that other sectors can participate, including non-profit organizations, local municipalities, businesses, and K-12 school districts. Suggestions and feedback will help inform the development of an actionable and measurable framework that will foster collective and tangible change and guide Virginia's effort to address statewide inequities.

34. **Mandatory Wi-Fi assess** for distant learning not discriminate by low-income communities. (Robertson)

35. **Gray Machines:** Contingent upon Gray machines continuing in Virginia post July 1, 2021, require the Governor to disperse a 15% 'add-on' to the 19% that localities receive through the COVID-19 Gray Machines Special Fund. Localities must meet the criteria below in order to qualify for the add-on. This criteria conforms to the language in § 58.1-4107. (Lynch)

- 1. Any city (i) in which at least 40 percent of the assessed value of all real estate in such city is exempt from local property taxation, according to the Virginia Department of Taxation Annual Report for Fiscal Year 2018, and (ii) that experienced a population decrease of at least seven percent from 1990 to 2016, according to data provided by the U.S. Census Bureau;
- 2. Any city that had (i) an annual unemployment rate of at least five percent in 2018, according to data provided by the U.S. Bureau of Labor Statistics; (ii) an annual poverty rate of at least 20 percent in 2017, according to data provided by the U.S. Census Bureau; and (iii) a population decrease of at least 20 percent from 1990 to 2016, according to data provided by the U.S. Census Bureau;
- 3. Any city that (i) had an annual unemployment rate of at least 3.6 percent in 2018, according to data provided by the U.S. Bureau of Labor Statistics; (ii) had an annual poverty rate of at least 20 percent in 2017, according to data provided by the U.S. Census Bureau; (iii) experienced a population decrease of at least four percent from 1990 to 2016, according to data provided by the U.S. Census Bureau; and (iv) is located adjacent to a state that has adopted a Border Region Retail Tourism Development District Act;
- 4. Any city (i) with a population greater than 200,000 according to the 2018 population estimates from the Weldon Cooper Center for Public Service of the University of Virginia; (ii) in which at least 24 percent of the assessed value of all real estate in such city is exempt from local property taxation, according to the Virginia Department of Taxation Annual Report for Fiscal Year 2018; and (iii) that experienced a population decrease of at least five percent from 1990 to 2016, according to data provided by the U.S. Census Bureau; and
- 5. Any city (i) with a population greater than 200,000 according to the 2018 population estimates from the Weldon Cooper Center for Public Service of the University of Virginia; (ii) in which at least 24 percent of the assessed value of all real estate in such city is exempt from local property taxation, according to the Virginia Department of Taxation Annual Report for Fiscal Year 2018; and (iii) that had a poverty rate of at least 24 percent in 2017, according to data provided by the U.S. Census Bureau.

36. **Cannabis and Cannabinoid Tax** – Allows localities to implement a point of sale tax on cannabis and cannabinoid products. Point of sales tax rate shall not exceed any existing sin tax imposed by a given locality. Point of sales tax will be contingent upon cannabis and product’s continued classification as a nutritional supplement. (Lynch)

37. **Reduction of Speed Limit to 15 miles** per hour in certain residential neighborhoods – Allow localities to reduce speed limits in their residential neighborhoods to 15 miles per hour. Localities are limited to reducing speeds in interior streets as defined by the city’s traffic engineer. This measure would

require localities to follow the existing established process for changing speed limits. (Lynch)

38. **Plastic Bag Tax Allocation-** With regard to plastic bag tax implementation, require the allocations of money for plastic bag revenue generated from (HB534) to be spread with 40% going to the purchase and distribution of reusable totes for SNAP and WIC recipients until supplies achieve a point level according to the needs of recipients; 30% to environmental cleanup and remediation; 30% for education. Mr. Hilbert would like to *know if this will be put off until the Commonwealth is fully beyond COVID restrictions and if not push to delay it's implementation.* (Hilbert)

This is not a state tax but is a local option tax. Therefore it is really up to City Council and the ordinance enacted to impose the tax and determine how it is distributed. Council could hold off on the enactment of an ordinance until such time as the CV-19 pandemic is over. And, it should be noted that an ordinance can't go into effect until January 1, 2021.

39. **Use of Radar Enabled Cameras** - Provide cities with the authority and access to use radar-enabled speeding and stoplight cameras to further Vision Zero goals by issuing educational no-fee citations for first time offenders. HB1442 passed in the GA 2020 session, which applies to posted school crossing zones or work zone speed limit.

Amend the law created by HB1442 to include "more than just school and work zones". (Addison)

40. **Bicycle Traffic Requirements** – Allow bicyclists to treat a stop sign as a yield sign and a red light traffic signal as a stop sign, in alignment with Council adopted Res. 2019R069 as amended. (Addison)

<https://richmondva.legistar.com/LegislationDetail.aspx?ID=4228481&GUID=AF038587-F0B9-4828-96F0-D1407F4E736E&Options=Advanced&Search=>

BUDGET/ FUNDING

41. **Transformation of Public Housing Fund** – Request the Transformation of Public Housing Fund appropriation be a dollar for dollar match from the Commonwealth to local jurisdictions that have public housing stock. (Hilbert)
42. **Food Deserts** – Support "full" funding for approaches (including but not limited to a \$5 million appropriation for the Virginia Grocery Investment Fund) that include financial and technical support for businesses to expand and ensure greater access to healthy food for residents of the Commonwealth. *Last year \$3.5 million was requested and half was received.* (Newbille)

ENVIRONMENTAL

43. **Green Building Codes** - Allow local government ability to adopt code amendments applicable to new construction or renovations of existing buildings which increase energy conservation, water conservation, or environmental protections. (Larson)

Is the intent to allow local governments to adopt amendments to the State Uniform Building Code?

44. **Expand PACE program** - Expansion of the Commercial -Property Assessed Clean Energy program (PACE program) to include "all" residential buildings in addition to commercial buildings. (Larson)
45. **Public Housing Remediation/Environmental** - Amend the statute for the Virginia Brownfields Restoration and Remediation Program (§ 10.1-1237) to allow funds to be used for public housing remediation due to the effects of environmental injustice in public housing communities.

Include language in the budget for FY 22/23 an item for the Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund. (Newbille, Robertson)