



VMIL

January 23, 2009

Legislative Bulletin

A digest of legislative news from the General Assembly affecting local governments.

Find it fast

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Upcoming

[SJ 275](#) (Puller), a constitutional amendment that will exempt from real estate taxation veterans who have a 100 percent permanent, service-related disability, will be before the [Senate Privileges and Elections Committee](#) on Tuesday, Jan. 27, at 4 p.m. in Senate Room A of the General Assembly Building adjacent the state Capitol.

Tough budget decisions loom as GA tends to other business

WHILE LEGISLATORS EXPEND their time with matters ranging from politically-charged judicial appointments to the mundane world of traffic accident reporting the most important work of the session is still to come.

A \$2.9 billion or a \$3.2 billion or even a \$4 billion budget gap must be filled in time for local governments to finish their own spending plans for the fiscal year that starts July 1. Just how wide the gap is depends on who you talk to and when.

Layoffs, bankruptcies and foreclosures continue unabated, hammering state and local revenues, and leaving lawmakers uncertain about what course to take. Can a state budget be put together without tax increases? Would balancing a state budget by taking an axe to public education and public safety really be in the best interest of Virginians? Are senators and delegates willing to compromise?

The House and Senate have two weeks to begin answering those questions. Feb. 8 is the date by which each chamber's money committee must report its own version of a budget.

Stay tuned.

Inside ...

- Bills would increase VRA debt authority
- Annexation extension legislation abounds
- Tax credits could boost housing vouchers

Legislative links ➤ [Find a bill \(state LIS\)](#)
➤ [State budget Web site](#)

Dialogue

“My answer to your constituent is ‘Don’t hold your breath.’”

... Del. Bud Phillips speaking to Del. Chris Jones after Jones asked VDOT Commissioner David Ekern if a constituent could be told that the proposed federal stimulus bill's transportation funding component would pay for new construction projects.

FOIA

Other bills ...

Freedom of Information Act; building and fire code complaints - **SB 1478 (Locke)**

Summary: Provides a record exemption under the Freedom of Information Act for the names, addresses, and telephone numbers of complainants relating to Uniform Statewide Building Code or Statewide Fire Prevention Code enforcement made to the local governing body. The bill specifies that nothing shall prevent the disclosure of information relating to any building in connection with an inquiry into the performance of that building after it has been subjected to fire, explosion, natural disaster, or other catastrophic event. **HB 2266** (O. Ware) and **SB 1014** (Edwards) are similar.

Staff contact: Mark Flynn (mflynn@vml.org).

Action: SB 1478 and SB 1014 assigned to the Senate General Laws Committee; HB 2266 to be taken up in House General Laws on Tuesday at 8 a.m.

Land Use

Other bills ...

Subdivision ordinance; bonding requirements - **HB 2029 (Marshall)**

Summary: Reduces the bonding requirement from 25 percent to 10 percent of estimated construction costs for the administrative allowance required from a developer. This provision has a five-year sunset provision.

Action: Referred to [House Committee on Counties, Cities and Towns](#), likely to be heard by the committee Friday, Jan. 30 at 8 a.m. in House Room D of the General Assembly Building.

Plats and site plans; increases from 5 to 10 years period of validity for certain plats and final site plans - **HB 2077 (Oder)**

Summary: Increases from five to 10 years the period of validity for certain preliminary and recorded plats and final site plans.

Action: Referred to [House Committee on Counties, Cities and Towns](#), likely to be heard by the committee Friday, Jan. 30 at 8 a.m. in House Room D of the General Assembly Building.

Zoning appeals, boards of; changes standard by which variance can be granted - **HB 2326 (Athey)**

Summary: Changes the standard by which a variance can be granted by eliminating the requirement for a showing of a hardship approaching confiscation and instead requiring a clearly demonstrable hardship.

Action: Referred to [House Committee on Counties, Cities and Towns](#), likely to be heard by the committee Friday, Jan. 30 at 8 a.m. in House Room D of the General Assembly Building.

Moving along ...

The [House Committee on Counties, Cities and Towns](#) unanimously reported **HB 1671** (Dance) that gives local governments more authority to deal with blighted properties. **SB 1094** (Locke), the companion Senate bill, is likely to be heard by the [Senate Committee on Local Government](#) on Tuesday at 2 p.m. in Senate Room B of the General Assembly Building.

Local Authority

Annexation extension legislation abounds

HB 1697 (Lohr) is one of several bills extending the annexation moratorium. It was approved by a subcommittee of the [House Counties, Cities and Towns Committee](#) Wednesday with an amendment requested by VML to shorten the moratorium extension to 2018, down from its original 2020 date. VML testified to the subcommittee that the shorter time helps keep the larger issues of regional cooperation and the plight of center cities alive. The [full committee](#) is scheduled to take up the bill when it meets in House Room D of the General Assembly Building at 8 a.m. on Friday.

Sen. Stephen D. Newman's **SB 1287** extends the moratorium to 2018. **SB 1469** (Quayle) extends the moratorium to 2020. The Senate bills may be heard Tuesday by the Senate Local Government Committee.

House panel votes to redefine 'act of God'

The [House Committee on Counties, Cities and Towns](#) reported [HB 1680](#) (Orrock) with amendments.

The bill defines the term “act of God” to include a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, or fire; specifies that a fire caused by an individual other than the property owner shall not adversely affect the rights vested in the affected property; and limits the owner’s right to repair, rebuild, or replace the building to its original nonconforming condition only if such building is damaged greater than 50 percent.

Additionally, the amendment provides that a zoning ordinance may allow for a building or structure covered by this section to be brought in compliance with the Uniform Statewide Building Code in effect at the time of the construction of such building or structure.

Moving along ...

The [House Committee on Counties, Cities and Towns](#) reported [HB 1697](#) (Lohr) with an amendment. The bill extends from 2010 to 2018 the temporary restriction on city annexation authority, the granting of city charters, and county immunity proceedings.

Transportation

Pedestrian safety in crosswalks clears first hurdle

[SB 1239](#) (Barker) sets out the responsibilities of pedestrians and drivers at marked and unmarked crosswalks. A key provision of the legislation is a new requirement for drivers to stop, rather than yield, for pedestrians in intersections where the maximum speed is 35 mph or less. The bill passed [Senate Transportation 11-4](#). Similar legislation cleared the same committee last year, was approved by the Senate, and killed by the [House Transportation Committee](#).

VML’s legislative program supports these clarifying amendments to the Virginia Code that require drivers to stop, not just yield, for pedestrians in all marked and unmarked crosswalks.

Staff contact: Joe Lerch (jlerch@vml.org)

Miscellaneous

Bills would increase VRA authority to issue debt, broaden role in financing local government construction

Sen. Charles Colgan, chairman of the Senate Finance Committee, has introduced legislation – [SB 989](#) and [SB 1451](#) – that could expand the Virginia Resource Authority’s ability to meet the capital needs of local governments. Both bills are before the Senate Finance Committee, and may be heard next Tuesday, January 27.

In the 2008 session, Colgan pushed through legislation authorizing the [Virginia Resources Authority](#) to finance construction of local government buildings. [SB 989](#) expands the definition of “construction of local government buildings” to include administrative and operations systems, and other local government equipment and infrastructure.

[SB 1451](#) would increase from \$900 million to \$1.5 billion the authority’s power to issue bonds backed by the moral obligation of the Commonwealth. As of June 30, 2008, VRA had \$681.9 million of moral obligation bonds outstanding. VRA also issues non-moral obligation debt. The authority had some \$1 billion of non-moral obligation bonds outstanding as of the close of FY08.

Sen. Marsh has introduced [SB 1476](#), which clarifies that the Virginia Resources Authority is authorized to finance any program or project to perform site acquisition or site development work for economic and community development projects for any local government. The bill is in Senate Finance, and is tentatively scheduled for consideration on January 27.

Staff Contact: Neal Menkes (nmenkes@vml.org)

Legislators seek to use tax credits to boost housing choice voucher programs

[SB 1019](#) (McEachin) and [HB 2106](#) (McClellan and Englin) would use [Neighborhood Assistance](#) tax credits to encourage landlords to participate in housing choice voucher programs for low-income tenants. [SB 1019](#) is before the Senate Finance Committee while and [HB 2106](#) was referred to the House Finance Committee.

The bills would allocate \$4.5 million in Neighborhood Assistance tax credits by transferring \$500,000 from another tax credit program and by reserving \$4 million from the Neighborhood Assistance tax credit's current annual appropriation of \$12 million. Landlords would receive the credits from the Virginia Department of Housing and Community Development in an amount equal to 40 percent of the fair market value of the rent for each qualified housing unit. Unused tax credits could be carried forward for a period of five years.

A qualifying unit would have to meet these criteria:

- Be located in census tracts in which less than 10 percent of the residents live below the poverty level.
- Be included in a housing choice voucher program.
- Be in substantial compliance with the Uniform Statewide Building Code.
- Contain at least four units with no more than 25 percent of the units on the parcel included in the housing choice voucher program.

The bills also extend the sunset date of the Neighborhood Assistance tax credit program to July 1, 2011.

Workers' compensation bills fill Commerce and Labor Committee docket

An assortment of bills affecting the state workers' compensation program has made its way onto the docket of the Commerce and Labor Committee. They are summarized below.

[HB 1674](#) (Purkey) and [SB 1158](#) (Saslaw) would require pharmacies to fill workers' compensation prescriptions with generics unless the treating physician marks the prescription "brand medically necessary" or if a generic is not available. The bill should reduce drug costs for both public and private employers.

[HB 1749](#) (Pogge), which would have extended the workers' compensation infectious disease presumption to sewage workers, has been dropped by the patron.

[HB 1756](#) (Hargrove) and [SB 1372](#) (Ruff) would permit a local government workers' compensation pool to merge with a local government property and liability pool. The House version of this bill has passed that chamber. The Senate version of the bill is still in the Senate Commerce and Labor Committee.

[HB 1959](#) (Mathieson) would require localities to save the job of public safety employees for up to two years. Currently, the law does not allow an employer

to terminate an employee for excessive absences if those absences are the result of workers' compensation injury for up to six months unless the employer can demonstrate a need to fill that position. Two years is too long for an employer to hold open a job for any employee because it would place an unnecessary burden on the employer in filling that position.

[HB 2252](#) (Barlow) would expand the statute of limitations for public safety employees who are exposed on the job to a covered infectious disease for up to two years from diagnosis. Currently, the time limit is either two years from diagnosis or five years from exposure. This bill is a problem because there would be no limit to a locality's exposure.

[HB 2478](#) (Hugo) and [HB 1958](#) (Mathieson) would expand the workers' compensation infectious disease presumption law to cover any public safety employee for any disease contracted by a public safety employee that the governor declared to be a public health emergency. This bill is a problem because it would be virtually impossible to disprove that the exposure occurred off the job.

Other bills ...

Affordable housing assessments – [SB 1052](#) (Whipple)

Summary: Provides for a determination of fair market value of affordable rental housing, allows for localities to determine definition of affordable rental property, and does not allow the determination to be made if pending building code violations exist. The building owner must have more than four residential units that are operated in whole or in part as affordable rental housing to be eligible for the special assessment. The Virginia Housing Commission recommends this bill.

Action: Referred to Senate Finance Committee.

More ...

See next page for a listing of VML legislative staff, contact information and responsibilities.

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[State budget details >](#)

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[Legislative Meeting Schedule >](#)

Up-to-date listing of legislative committee meetings.



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