

2024 VML Proposed Legislative Positions

Approved by the VML Legislative Committee

Sept. 11, 2023

(Listed in alphabetical order)

Economic Development

VML supports local flexibility to promote economic development as our localities come out of this pandemic. A changing business landscape will necessitate a review of revenue sources to localities along with new ideas and actions that will broaden and diversify local revenue streams. Retention of current businesses is vital, and we support continued grant funding for current businesses that are both efficient and effective.

The 2020 General Assembly-approved amendments to Code of Virginia § 2.2-3115 under the Conflict of Interests Act are creating a major deterrent to continued participation by citizen volunteers in local industrial development authorities and economic development authorities. VML supports transparency but also a balance in financial reporting requirements on citizen volunteers to ensure that economic development authorities and industrial development authorities continue to operate with interested and knowledgeable volunteers.

Funding of Community Services Boards and Behavioral Health Authorities

VML supports sufficient and sustained state funding and technical assistance for community services boards/behavioral health authorities to implement STEP-VA requirements and to support the planning and implementation of Marcus Alert protocols. This funding should not come at the expense of other community-based service initiatives and requirements; nor should the burden of funding these state initiatives be shifted to local governments.

Robust state revenues offer an opportunity for the state to make new investments in the community and in the state hospitals.

Investments must go to both build the network of community-based services and to assist state hospitals with their vital mission. This cannot be a zero-sum funding situation where one part of the system benefits at the expense of the other part of the system.

Land Use Control

Localities must maintain control of local land use decisions. Neither the state nor the federal government should usurp or pre-empt a locality's authority to make such decisions; nor should they impose requirements that weaken planning and land use functions. This includes all types of housing to include, but not limited to short-term rentals.

VML also supports local government authority to promote affordable and mixed income housing as well as the required infrastructure to facilitate in-fill development, redevelopment and mixing of uses. Any mandate from the state should include full funding for the locality.

Local Excise Taxes

VML supports the statewide authority for local governments to establish an excise tax on the sale of vaping products. VML also supports the statewide authority for local governments to establish an excise tax on the sale of cannabis products.

Marijuana: Clarification of Local Referendum and State Support

VML urges the General Assembly to clarify the city and town referendum opt-out process by specifying that:

- Towns may hold concurrent referenda with their counties with the outcome of the town referendum binding within the town, and
- Only in the case of a town not holding a referendum would a county's referendum outcome affect a town's legal sales of recreational marijuana.

VML further requests dedicated and near-term financial state support to assist communities with the upfront, pre-implementation administrative, health, and public safety costs incurred prior to the start of legal sales in localities. This includes training for local law enforcement, and other applicable local government personnel (taxation, code enforcement, zoning, etc.) on the new law and regulations.

VML urges the Cannabis Control Authority to begin its work as soon as possible to fill the regulatory vacuum. This work must include participation by local governments to clarify state and local roles and responsibilities pertaining to marijuana rules and regulations, including but not limited to, establishing enforcement guidance and training standards, guidance for marijuana equivalents, and eliminating ambiguity from local authority. VML supports the equitable implementation of this law.

Privacy Protection in Government Data Collection

VML supports ensuring that localities can meet the intent of the Government Data Collection and Dissemination Practices Act by protecting the privacy and personal information acquired through the provision of services to local government clients.

Remote Meetings for Persons with Disabilities

VML supports remote meeting participation for persons with disabilities as defined in Virginia State Code and that the participant count towards a quorum for the meeting.

Sovereign Immunity

Expanding liability and eroding immunities at state levels across the nation have had a chilling effect on the actions of local government officials contributing to local government insurance problems, creating immense financial risks (particularly for legal costs), and posing a substantial obstacle to the provision of needed public services. The Virginia General Assembly should strengthen and must maintain the principles of sovereign immunity for local governments and their officials.

State Assistance to Local Police Departments (HB 599)

Almost 70 percent of Virginians live in communities served by police departments. The State created a program of financial assistance to local police departments (HB 599) when it imposed an annexation moratorium on cities more than 30 years ago. It has increasingly de-emphasized this funding obligation as a priority but has never compromised on the annexation moratorium. VML calls for the state to honor its commitment to local governments and public safety by funding the program as stipulated in the Code of Virginia or lift the moratorium on annexation.

State-mandated Tax Policy Changes and Local Revenues

Locally elected officials understand the needs of their community as well as the burden of taxation on their constituents. The Commonwealth should refrain from encroaching upon the responsibility of local officials by imposing additional exemptions from locally generated revenues or imposing additional red tape that make it more difficult to raise revenue in their communities. Further, VML opposes any state-mandated exemptions to the local option sales tax unless the General Assembly can establish a viable revenue-replacement to local governments.



Stormwater Assistance Fund

VML urges the 2024 General Assembly to continue to fund the Stormwater Local Assistance Fund (SLAF) at \$50 million. SLAF funding provides grants for localities to make improvements to better manage stormwater-related problems such as runoff, erosion, and localized flooding.

Support for Public Education

VML supports statewide authority for local governments to impose a one percent sales tax to help raise critically needed funds for school construction and renovation. For those already imposing an approved one percent sales tax for local or regional special funding needs, an additional one percent for school infrastructure funding should be authorized for school construction and renovation purposes.

While VML supports opportunities for innovation in the Commonwealth's public education system, it opposes state efforts to limit local authority over management of local school districts; reduce or divert state funds and resources intended for local public schools to fund charter, college partnership laboratory schools, or other state initiatives; or otherwise proliferate the growth of state government initiatives that adversely affect the needs of existing public school systems.

VML supports the school construction grant program and believes it should be consistently funded. Until revenue from the Gaming Proceeds Fund or an alternative state source is sufficient to significantly help communities pay for school construction or renovation needs, the state should continue to use general funds to fill in the gap.

The Joint Legislative Audit and Review Commission (JLARC) completed a two-year study in July 2023 regarding the cost of education in Virginia and an assessment of the costs of the Standards of Quality (SOQ). JLARC made several recommendations to update the SOQ in the short and long term.

Recommendations included items VML has long supported, including the elimination of the support cap and providing additional staff and funding for staff. VML supports the JLARC findings and recommendations and encourages the General Assembly to implement these recommendations to ensure the overall success of students across the Commonwealth.

TANF Expanded Programming Funding

As balances in the Temporary Assistance to Needy Families (TANF) program diminish, VML supports recommendations of the Virginia Department of Social Services' TANF block grant workgroup that focus on ensuring structural balance; evaluating grantee program performance data in furthering the statutory purposes of the TANF program (e.g., promoting job preparation/work and formation and maintenance of two-parent families; assisting needy families so that children can be cared for at home); and determining what other resources, if any, such programs receive. If TANF balances are insufficient to fund programs with promising or proven results, the state should continue its support of them using state general funds.