

2023 Community & Economic Development Policy Statement

Community and economic development are essential to the vitality of the Commonwealth of Virginia.

VML realizes the importance of diverse communities and neighborhoods and supports legislation to encourage state and local cooperation efforts that promote the safety of all populations, encourage the maintenance and protection of property in neighborhoods, and improve the livability of Virginia's cities, towns, and counties. This includes improving the environment and quality of life in our localities.

VML urges the state to partner with localities to develop and carry out the state economic development strategic plan. Local governments are also encouraged to work together in regional efforts to improve the quality of life and economic development opportunities. State support should be included in regional efforts in collaboration with local elected officials.

Incentive programs, such as GO Virginia, Opportunity Zones, the Commonwealth's Opportunity Fund, and the Virginia Enterprise Zone Program are important economic development tools, particularly in a challenging economy. It would be beneficial for all parties if the state worked cohesively with local governments to ensure that economic development efforts focus on improving opportunities and sustainability. This cooperation would include technical assistance from the state. VML supports clarification on criteria for grant programs especially regarding fiscal health and/or economically distressed localities. Grant programs should look at the totality of the circumstance of a local government's fiscal health.

Efforts that we deem appropriate include grants and state tax incentives and efforts to assist minority, veteran-owned and women-owned businesses. The state should strive to fully fund programs that strengthen local governments' commercial and industrial tax bases to reduce pressure on the residential real estate tax base.

HOUSING

VML urges state and local governing bodies to develop and maintain a balanced housing mix, including affordable and workforce housing with affordable housing policies in place. These numbers should be determined by a locality, as local officials are in the best position to determine that mixture. Local governments must be fully involved in the decisions on the placement of affordable and workforce housing in their jurisdictions. Procedures involving the granting of tax credits for projects must involve local governing bodies. Any locality that issues a Section 8 housing certificate should have housing available in the jurisdiction for the certificate's holder, to prevent persons who are granted Section 8 certificates from having to leave their home jurisdiction in order to find housing.

VML supports state funding for affordable and workforce housing while working with local governments to encourage the development of mixed income development and redevelopment, coupled with support for mixed use projects.

The authority to regulate short term rentals should be maintained at the local level.

BLIGHT AND NEIGHBORHOOD PRESERVATION

The General Assembly should strengthen the authority of localities along with providing funding opportunities to manage and reduce blight. This could be done through empowering localities' flexibility with building permits issued for repairs or renovation. There are many methods that could be considered to empower local governments including but not limited to:

- a) the requirement of timely completion of the work,
- b) filing a legitimate plan by the owner, diligently pursued, to complete the work,
- c) authorizing local government action to correct the health and public safety problems created by incomplete work and to either seize available assets of the owner and use them to fund corrective action or impose high fees that would recover the locality's costs on a priority basis.

This would be similar to the localities' powers for retrieving unpaid taxes.

Further, we would like the definition of derelict building to be expanded to include buildings that are not completed to the Code of Virginia Sec. 15-2.907.1. VML supports additional authority to deal with blight in both residential and commercial properties.

VML supports strengthening the minimum property maintenance code.

ZONING INCENTIVES FOR IN-FILL DEVELOPMENT AND REDEVELOPMENT

The state code provisions on zoning authority should continue to ensure that local governments have a full range of authority to promote affordable and mixed income housing, including authority to facilitate in-fill development, redevelopment, and mixing of uses in redevelopment projects. Therefore, the Code of Virginia must not be changed to limit local governments' authority to enact land use regulations for the benefit of all citizens of a locality.

PLANNING AND LAND USE

VML encourages the Governor and General Assembly to expand local authority and land use management tools provided in the state code to ensure that the policies of the Commonwealth and localities encourage and support healthy cities and towns. Localities should have the flexibility to encourage mixed use and inclusive communities along with varying densities. The policies of the Commonwealth should support sustainable growth in and around urban centers to help local governments create more livable, environmentally responsible communities, thus reducing the environmental impact of growth. In addition, we ask that the policies alleviate transportation funding problems for the Commonwealth and should promote transportation priorities to promote public transportation modes as well as pedestrian and bicycle transportation. VML supports multi-modal transportation options for regions and localities with local input on access to multi-modal facilities.

Planning and land use control are two of local government's most important functions. Localities must maintain control of local land use decisions. Neither the state nor federal

government should usurp or pre-empt a locality's power to make such decisions or impose processes that weaken planning and land use functions. This includes home businesses and other activities that may put individual's property rights into conflict with one another. All localities should be guided by their comprehensive plan for future development. However, VML does encourage a review of the components of the comprehensive plan to ensure that they are both necessary and include only essential functions of local government. The General Assembly should allow local governments to exercise land use authority in the manner that the local government deems appropriate for its circumstances. Coordination of local land use planning and transportation planning improves the ability of all levels of government to deal with and manage growth-related issues the Commonwealth faces in the long-term.

The General Assembly should enhance local government's ability to implement their comprehensive plans by authorizing a complete spectrum of land use and growth management tools and should allow and provide localities more creative, locally initiated planning and land use mechanisms.

When a county's transfer of development rights program includes lands adjacent to a city or town, the General Assembly should provide the municipality with the authority necessary to fully participate in the decisions on transferring such rights when it is determined by the municipality that the land-use change will impact its citizens.

VML supports the state's exploration of sustainable development, provided there is not an effort to supplant the authority of local governments to determine their own land use policies and encourages the consideration of incentives for localities to implement sustainable development approaches.

State agencies should be required to comply with local comprehensive plans and local land use regulations and policies.

VML supports enhanced redevelopment opportunities through the adoption of an urban policy for the commonwealth, and implementation of growth management policies that encourage growth and economic development in urban areas.

VML supports the position that the vested rights law is prospective only and that local governments have the authority to amend zoning ordinances in the future.

The law on nonconforming uses and structures must be maintained. The desires of a single property owner should not outweigh the interests of the neighbors, who benefit from properties coming into conformance with the zoning ordinance over time through the effects of the law on nonconformity.

The General Assembly should not enact any legislation, under the name of private property protection law, that seeks to weaken local powers to regulate land uses and protect the community's health, safety, and welfare, or that requires additional compensation beyond judicial interpretation of the Fifth Amendment of the U.S. Constitution and Article I, section II of the Virginia Constitution.

VML opposes any additional legislation that would exempt religious organizations or provide special entitlements to individuals and industries from neutral, generally applicable local ordinances, and in particular, local zoning and public safety ordinances.

RESPONSIBLE GROWTH MANAGEMENT

Current state land use authority is often inadequate to allow local governments to provide the infrastructure and services for growth in a manner that protects and improves the quality of life in our communities. The General Assembly should authorize local governments to implement growth management policies including impact fees in order to enable localities to facilitate orderly, rational growth in a manner appropriate to their communities. The authority to impose impact fees should include calculations for the cost of all public infrastructure, including local transportation, transit, and school construction costs, caused by growth. Until a comprehensive impact fee system is authorized, the state code should extend to all localities full authority for conditional zoning to meet the needs of new citizens for public infrastructure.

The General Assembly should take all steps needed to assist towns and cities to work with the surrounding counties to promote growth in patterns that help the vitality of the municipalities. Any change must not shift the burden of paying for new infrastructure to existing citizens through increased real estate taxes.

VML supports the ability of localities to prepare for the closure of state facilities and supports the state providing ample notice to localities of proposed closures and the loss of jobs. Further, facilities being closed should not be left in a state of disrepair or blight, further impacting the surrounding community.

VML encourages the state to engage localities very early in the process when assisting an economic development prospect so that localities can better prepare for potential impacts. Site Readiness and Certified Economic Development Sites are important to localities and assistance from the State is encouraged to prepare these sites.

DESIGN FOR ALL CITIZENS

As life expectancy rises and as the number of citizens with significant physical disabilities and limitations is increasing, Virginia's local governments recognize that man-made environments must be made accessible to and inclusive of all citizens, whether aging, disabled, homeless or facing other limitations. Therefore, the state's laws, regulations and policies must serve to increase accessibility for the aged, disabled, and homeless populations. Such laws, regulations and policies that do not assist reaching these goals should be amended or repealed.

Building codes should be amended to help achieve these goals in new and existing construction. Further, state laws, regulations and policies must be amended, to give local governments full authority to provide accessible private and public infrastructure.

HOUSING OPTIONS TO INCLUDE MANUFACTURED HOUSING, TINY HOUSES, ACCESSORY DWELLING UNITS, ETC.

Local governments must retain the authority to plan for the appropriate mix of residential structures in their communities and must retain full authority to regulate the placement of all types of housing without state intervention. New housing options must be explored in our efforts to increase the housing stock.

EDUCATIONAL INSTITUTIONS AND WORKFORCE DEVELOPMENT

VML supports institutes of higher education complying with local land use and being a good neighbor. For localities to have a strong and diversified economic base, education of all types is desired, including two-year and 4-year programs. In addition, VML supports all programs which encourage persons to enter the workforce such as apprenticeship programs, certificate programs or on-the-job training. Encouraging all types of education will attract new business and allow existing businesses to compete effectively.

TRANSPORTATION

Localities need greater input on how changes to VDOT managed infrastructure affect localities as well as input on priorities for addressing infrastructure issues.

PRESERVATION OF RIGHTS-OF-WAY

Road projects take many years from the planning stage to construction. Often localities need to reserve miles of rights-of-way years in advance of any funding availability for these projects, or risk development in the path of these road projects. Localities need tools to enable them to reserve rights-of-way for longer periods of time. While current legislation allows reservation, localities are often unable to provide the upfront funding needed to purchase these rights-of-way in the allotted timeframe.

VARIANCES, SPECIAL EXCEPTIONS & CONDITIONAL USE PERMITS

VML maintains that the law on variances should be retained in its current form. Because land use is controlled at the local level, the General Assembly should not require or dictate any specific procedures for special exceptions, conditional use permits or similar land use decisions.

COLLECTIVE BARGAINING

VML supports local governments having the authority to decide if their locality should engage in collective bargaining.