

Capitol Contact

Virginia General Assembly

Virginia Association of Counties • 1207 E. Main Street, Suite 300 • Richmond, VA 23219
www.vaco.org • 804.788.6652

Tuesday, January 16, 2024

VACo opposes bill that allows 8 free hours of FOIA request search and access of records per person for each 31 consecutive day period

[SB 324 \(Roem\)](#) prohibits a public body from charging a requester for any costs incurred during the first two hours spent accessing or searching for requested records when the requester has made four or fewer individual record requests to such public body within 31 consecutive days. This bill would allow every person, and every representative of newspapers and magazines with circulation in the Commonwealth, and media in or into the Commonwealth to make four two-hour FOIA requests per 31 consecutive days free of any access or search fees, and then after 31 days allows them to start the process all over again.

[Contact your Legislators to oppose SB 324.](#)

KEY POINTS

- After the free hours, the highest rate that a locality could charge is \$33/hour unless they successfully petition the court for a higher fee upon showing by a preponderance of the evidence that there is no qualified individual capable of fulfilling the request for \$33 per hour or less.
- Any such petition shall be heard within seven days of the date when the same is made, provided that the public body has sent, and the requester has received a copy of the petition at least three working days prior to filing.
- This bill – which gives 96 free hours per person, per public body, per year – would overwhelm even the best staffed localities.

- The FOIA officers would continue to have to respond to all requests within the 5-day deadline, and in addition, would have to create and monitor a new record keeping process for counting requests and time.
- Currently FOIA allows public bodies to charge actual costs incurred in accessing, duplicating, supplying, or searching for the requested records.

VACo opposes this bill because it presents an enormous policy change and fiscal and administrative burden for all public bodies.

SB 324 is on the [Senate General Laws and Technology Committee's](#) docket for January 17, 2024, 30 minutes after the adjournment of the Senate. Please contact your [legislator](#) today and urge them to oppose this burdensome bill.

VACo Contact: [Phyllis Errico, Esq., CAE](#)

Local Financing Authority for School Capital Needs – Call Your Legislators to Support



[HB 600 \(Kilgore\)](#), [HB 805 \(Rasoul\)](#), and [SB 14 \(McPike\)](#) would permit any county or city to impose an additional local sales and use tax of up to 1 percent, **if initiated by a resolution of the local governing body and approved by voters at a local referendum.** The revenues of such local tax would be used solely for capital projects for the construction or renovation of schools. Any tax imposed shall expire

when the costs for capital projects are to be repaid and shall not be more than 20 years after the date of the resolution passed.

Currently, this authority is limited to the qualifying localities of Charlotte, Gloucester, Halifax, Henry, Mecklenburg, Northampton, Patrick, and Pittsylvania Counties and the City of Danville. [HB 60 \(Wright\)](#) and [HB 193 \(Cole\)](#) would expand this authority to Prince Edward County and Stafford County respectively and are also supported by VACo.

These bills allow counties to exercise a local voter approved option to meet their community needs and are about creating parity between local governments.

[Here is a one-pager](#) that further explains this issue and what the bills would accomplish.

[Here is a short video](#) explaining the legislation and the urgent need.

Contact your legislators today to encourage their support of these measures. Please let VACo know how your legislators respond to your request.

VACo Contact: [Jeremy R. Bennett](#)

VACo Opposes Legislation Giving Religious Organizations “By-Right” Authority to Build Residential Units

[SB 233 \(Hashmi\)](#) and [HB 1124 \(Carr\)](#) permit a religious organization to construct housing on real estate owned by such religious organization, regardless of whether the proposed development is consistent with a locality’s comprehensive plan and zoning ordinance. The legislation specifically states that “... *If the locality's zoning does not permit residential uses, the housing development shall be allowed a density of 40 units per acre and a height of one story or 15 feet above the maximum height otherwise applicable to the parcel.*”

In order to bypass local authority for approval, the following conditions must be adhered to:

- The total number of units, exclusive of a manager's unit or units, are for persons of low income, except that up to 20 percent of the total units in the development may be for persons of moderate income, and 5 percent of the units may be for staff of the religious organization that owns the land.

- The housing development remains dedicated for persons of low income for at least 99 years.
- The housing development must be managed by a nonprofit property manager with experience managing affordable housing that has entered into an agreement for such purpose with the religious organization.

Contact your [legislator](#) to vote “NO” on SB 233 and HB 1124. SB 233 is scheduled to be heard in [Senate General Laws and Technology Committee](#) on January 17. HB 1124 has not yet been referred to a committee for assignment.

KEY POINTS

- VACo supports maintaining local authority to make land use decisions on the location and density of residential development.
- By right development of residential development on any property, regardless of its location and access to adequate public facilities such as water, sewer, and roads, is inconsistent with the goals and objectives of sound land use policy and practice.

VACo Contact: [Joe Lerch, AICP](#)

VACo Supports Photo Speed Enforcement in High-Risk Intersections

[SB 336 \(Roem\)](#) and [HB 521 \(Laufer\)](#) focus on the ability for localities to expand the use of photo speed monitoring within their jurisdiction but take different approaches in enabling the use of this public safety tool.

SB 336 would permit a state or local law enforcement agency to place and operate a photo speed monitoring device at a “high-risk intersection” segment located within the locality. A “high-risk intersection” is defined in the bill as, “... *any highway or portion thereof that is part of or adjacent to an intersection identified in the manner provided in this section as one in which a traffic fatality has occurred since January 1, 2014.*” As the definition states, before operation of the photo speed camera, the state or local law enforcement agency must certify that a traffic fatality occurred in the “high risk intersection” looking to add photo speed enforcement, since January 1, 2014.

HB 521 would allow any locality to authorize, by ordinance, its local law enforcement agency to place and operate photo speed monitoring devices on “locality-designated highway segments.” The bill defines a “locality-designated highway segment,” as any

highway or portion thereof designated in a local ordinance where photo speed monitoring devices may be placed and operated.

HB 521 lays out the qualifications that need to be met when localities move toward adopting such an ordinance and are as follows:

- The highway in question has a posted speed limit of 35 miles per hour or greater;
- The ordinance identifies the locality-designated speeding offense to be enforced by the photo speed monitoring device;
- Speeding, crash, or fatality data supports the need for stronger enforcement against speeding;
- In counties and towns whose roads are subject to the control and jurisdiction of the Department of Transportation, the locality-designated highway segment is in the secondary state highway system or is designated as a Virginia byway.

SB 336 and HB 521 are well tailored to localities and increase the ability for local governments to respond to constituent concerns regarding safety on local roadways. VACo is thankful to Senator Roem and Delegate Laufer as well as their respective staffs for bringing these bills forward. **VACo supports SB 336 and HB 521 as a public safety tool** and looks forward to speaking in favor of the bills when heard.

VACo Contact: [James Hutzler](#)

State Revenues on Track as General Assembly Begins Consideration of Governor's Budget

Secretary of Finance Stephen E. Cummings [briefed](#) members of the House Appropriations Committee on January 15 on December revenues and is scheduled to provide a similar update to the Senate Finance and Appropriations Committee on January 16. Secretary Cummings reported that state General Fund revenues are in line with the forecast embedded in the Governor's budget proposals, with fiscal year-to-date General Fund revenues 2.8 percent, or \$363.2 million, ahead of projections. Setting aside nonwithholding collections and refunds, year-to-date revenue collections are \$85.8 million ahead of the forecast. As Secretary Cummings summarized the situation in his remarks, revenues are outperforming the forecast, but the extent of the overperformance is between \$85.8 million and \$363.2 million, with the uncertainty largely due to the timing of payments and refunds under the new Pass-Through Entity Tax. This mechanism allows certain business owners to elect to pay state income tax at the entity level (rather than the entity's income being

passed through to the business owner and the owner paying individual income taxes on that income) and then to receive a corresponding refundable income tax credit. On a fiscal year-to-date basis, individual income tax collections are up 6.4 percent, and are ahead of projections by \$436.6 million, while sales and use taxes are slightly below projections.

Secretary Cummings noted that the revenue forecast incorporated into the Governor’s budget proposal is intentionally conservative due to uncertainty surrounding domestic and foreign economic conditions. House Appropriations Committee Staff Director Anne Oman suggested that given the ongoing strength in FY 2024 revenue collections, a mid-session revenue reforecast might be possible, depending on January revenue collections; if the forecast were revised, that update would take place in February, in time for legislators to incorporate it into budget deliberations. January collections will provide additional information on holiday season sales tax collections, as well as withholding and nonwithholding income tax collections.

Following Secretary Cummings’s presentation, the House Appropriations Committee staff provided an overview of the introduced budget; the presentation may be found at [this link](#). The Senate Finance and Appropriations Committee staff will provide their budget briefing on January 17. The process of proposing amendments to the introduced budget is underway; legislators’ deadline to submit amendments to the Governor’s budget was January 12, and the full text of all members’ amendments will be released later this week. VACo is working on a set of amendments to address county priorities, and will provide details in a future edition of *Capitol Contact* so that members can assist in advocating on behalf of these requests.

VACo Contact: [Katie Boyle](#)

Advocate for your locality at the VACo Local Government Day

In Partnership with VML, VAPDC and the Virginia Rural Center

Thursday, February 1, 2024

[Richmond Marriott Hotel](#)

[REGISTRATION FORM](#) | [REGISTER ONLINE](#)

Local Government Day

It’s a day for all of us. Counties. Cities. Towns. Planning Districts. It’s a day for us to learn how the decisions being made by the General Assembly might affect us. And it’s a

day to make our voices heard. Attend Local Government Day. Then visit the Capitol to meet with your legislators and observe committee meetings. Later join us for a reception.

Registration Fee

\$100 Day Briefing only (Noon – 2pm)

\$100 Reception only (530pm)

\$150 for both | \$175 late registration

Agenda

- **9am** | VACo Board of Directors Meeting
- **10am** | Registration
- **1130am** | Lunch
- **Noon** | Local Government Day
- **Afternoon** | Visit the Capitol to speak with legislators
- **530pm** | Reception

For information on how to reach your representatives, see the [Virginia House of Delegates](#) and the [Senate of Virginia](#) member websites. Find information about VACo's positions in the [2024 Legislative Program](#). We will distribute the Local Government Day Bulletin before the event.

Be a part of the legislative process at the 2024 General Assembly Session.

Register for the event at [VACo Local Government Day Online](#) or fax the [Registration Form](#) to 804.788.0083. Also, here's how you can book a room at the [Hilton Richmond Downtown](#) or the [Hampton Inn & Suites Richmond](#).

VACo Contact: [Valerie Russell](#)

Key Dates for the 2024 General Assembly

As part of its organizational work on the first day of the 2024 session, the General Assembly adopted a procedural resolution on January 10 that sets out important dates and deadlines for the 2024 legislative session.

- **January 10:** General Assembly convened at noon. Bills that were “prefiled” were due to be submitted by 10:00 a.m. Bills affecting the Virginia

Retirement System, or creating or continuing a study, were required to be filed by adjournment of the floor session.

- **January 12:** Deadline for submission of member budget amendments.
- **January 19:** Deadline for all bills or joint resolutions to be filed (by 3 p.m.), with some exceptions, such as legislation introduced at the request of the Governor or legislation allowed to be introduced after deadlines by unanimous consent.
- **February 13:** “Crossover” deadline for each chamber to complete work on legislation originating in that chamber (except for the budget bill).
- **February 18:** “Budget Sunday,” the deadline for the “money committees” to report their respective budgets by midnight.
- **February 22:** Deadline for each chamber to complete consideration of its budget bill.
- **February 28:** Deadline for each chamber to complete consideration of the other chamber’s budget bill and revenue bills.
- **March 4:** Deadline for committee consideration of legislation, by midnight.
- **March 9:** Scheduled adjournment *sine die*.
- **April 17:** Reconvened session for consideration of Governor’s amendments and vetoes.

VACo Contact: [Katie Boyle](#)