

# Capitol Contact

## Virginia General Assembly

Virginia Association of Counties • 1207 E. Main Street, Suite 300 • Richmond, VA 23219  
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Thursday, January 25, 2024

## VACo Opposes Bill to Make Residential a “By-Right” Use in Commercial and Industrial Districts

[SB 430 \(Van Valkenburg\)](#) proposes to make “*any type of residential use that is permitted in a locality*” a permitted use on any parcel, except for those with a zoning classification of agriculture, conservation, or a different residential use. The bill also prohibits a locality from requiring a special exception, special use, or conditional use permit for such use.

For example, if a county permits apartment buildings in any zoning district, then apartments would then become a by-right use in any commercial or industrial zoned district (or other district not otherwise zoned for agriculture, conservation, or residences).

SB 430 will be considered in the [Senate Local Government Committee](#) on Monday, January 29.

**Action required** - Contact members of [Senate Local Government Committee](#) to vote “NO” on SB 430.

### **KEY POINTS**

- Through the implementation of comprehensive plans, capital improvement programs, and land use ordinances, counties have made strategic investments to provide for managed growth in business, jobs, and housing.

- Counties, in partnership with developers, have successfully implemented mixed use developments that include both commercial and residential components.
- A mandate to allow for any type of residential use on land planned and zoned for commercial and industrial growth, invalidates publicly invested time and money, and ignores the role of counties in making wise land use decisions for their communities.

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

## Mandatory Testing of PFAS for all Municipal Water Systems Bills Introduced

[HB 1085 \(Rasoul\)](#) and [SB 243 \(McPike\)](#) would require municipal wastewater and drinking water plants to monitor PFAS (also known as “forever chemicals”) levels in effluent, influent, and biosolids at least quarterly and report all such data on an applicable discharge monitoring report required by federal regulations. The bill would also require the Department of Environmental Quality (DEQ), in certain circumstances, to develop a PFAS action plan to identify and address sources of certain PFAS detected in a public water system's raw water source, perform outreach efforts regarding PFAS contamination, report annually on its activities, and work with certain entities in developing its PFAS action plans.

In practice, this means testing for PFAS quarterly, forever, at every such facility (including the smallest). **VACo opposes the bills** as they would mandate the very expensive monitoring rather than a focus on PFAS emitting sources to the plants or any targeting to minimize burden.

[HB 245 \(Bulova\)](#) and [SB 462 \(Marsden\)](#) are alternative bills that focus on PFAS sources that discharge directly to surface waters or into sewer systems, rather than on the receiving publicly owned treatment works. VACo is soliciting input on how HB 1085 and SB 243 may impact your locality and water treatment facilities. VACo will continue to provide updates as they become available.

**VACo Contact:** [James Hutzler](#)

## Mandatory Collective Bargaining Bills Resurface

[HB 1001 \(Tran\)](#) / [SB 374 \(Boysko\)](#), in their current form, would undermine the existing local option local governments have to engage in collective bargaining agreements with their employees and require local governments to engage in collective bargaining should their employees so choose. Furthermore, in their

current form, the legislation would supersede existing local government collective bargaining agreements for localities that have chosen to enact them. The legislation also creates the Public Employee Relations Board, which shall determine appropriate bargaining units and provide for certification and decertification elections for exclusive bargaining representatives of state employees and local government employees. The legislation requires public employers and employee organizations that are exclusive bargaining representatives to meet at reasonable times to negotiate in good faith with respect to wages, hours, and other terms and conditions of employment. The legislation repeals a provision that declares that, in any procedure providing for the designation, selection, or authorization of a labor organization to represent employees, the right of an individual employee to vote by secret ballot is a fundamental right that shall be guaranteed from infringement. HB 1001 has been referred to Subcommittee #2 of the House Labor and Commerce Committee. SB 374 has referred to the Senate Commerce and Labor Committee.

[HB 1284 \(Askew\)](#) / [SB 623 \(Lucas\)](#) would authorize firefighters and emergency medical services providers employed by a political subdivision of the Commonwealth to engage in collective bargaining through labor organizations or other designated representatives. The bills provide for the appointment of a three-member board of arbitration regarding any dispute arising between an employer and firefighters or emergency services. Under the bills, determinations made by such board of arbitration are final on a disputed issue and are binding on the parties involved. HB 1284 has been referred to the House Labor and Commerce Committee. SB 623 was reported by the Senate Finance and Appropriations Committee on January 22 by an 8-6 vote.

VACo opposes any effort to mandate collective bargaining for public employees.

[HB 780 \(Callsen\)](#) would permit the governing body of a public transportation provider to adopt a resolution authorizing such public transportation provider to (i) recognize a labor union or other employee association as a bargaining agent of public officers and employees and (ii) collectively bargain or enter into a collective bargaining contract with such union or association or its agents with respect to any matter relating to such transportation district or its employees. HB 780 has been referred to Subcommittee #2 of the House Labor and Commerce Committee.

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

## **VACo Opposes Legislation Mandating Localities to Approve Utility-Scale Solar and Battery Storage Facilities**

[SB 697 \(Van Valkenburg\)](#) requires localities to permit utility-scale solar and energy storage facilities as a “special exception” per [15.2-2288.8](#) of Virginia Code and to

develop an ordinance that establishes “reasonable criteria and requirements” for the siting of utility-scale solar and battery storage projects. Additionally, the legislation states that such reasonable criteria and requirements “...shall not include limits on the total amount, density, or size of solar and storage facilities that can be developed.”

The legislation effectively requires counties to permit any application, regardless of the cumulative impact of such facilities, so long as the requirements of a local ordinance with “reasonable” criteria are met.

Although not scheduled yet, SB 697 may be considered in the [Senate Local Government Committee](#) on Monday, January 29.

**Action required** - Contact members of [Senate Local Government Committee](#) to vote “NO” on SB 697

### **KEY POINTS**

- Utility-scale solar and battery storage are in effect largescale power plants, many of which may have oversized footprints. For example, a solar facility with a generating capacity of 100 MW can occupy 1,000 acres or more of land.
- The state should not require counties to permit these facilities, regardless of the total amount, density, or size of such projects.

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

## **Finance Legislation Roundup**

Several bills of interest to local government have been submitted and considered in the House Finance and Senate Finance and Appropriations Committees.

[HB 639 \(Sullivan\)](#) was requested by Arlington County and is intended to clear up confusion caused by legislation from 2023. The 2023 legislation required localities with annual or biennial assessments, or that conduct assessments in-house, to include information on the assessment notice regarding the “effective tax rate increase” – the amount by which the proposed rate exceeds the lowered rate that would offset increases in assessments. However, in some jurisdictions, the governing body has not yet proposed a tax rate when assessment notices are mailed, causing concerns among some localities as to how to comply with the law. A planned substitute for the bill will provide clarity by specifying that the notice must instead include the lowered rate necessary to offset the increases in assessments and generate the same amount of real estate tax as the previous year (when growth in overall total assessed value of real estate would result in an increase of one percent or more in the total real property tax levied). VACo supports this legislation as a

clarification to enable localities to comply with the policy decision enacted last year, and spoke in favor of companion legislation, [SB 677 \(Durant\)](#), when it was heard in Senate Finance and Appropriations this week. SB 677 reported from committee and is on the Senate floor.

As introduced, [HB 549 \(Walker\)](#) would have required localities to send to each property owner a notice of the public hearing on the proposed tax rate (which is required when growth in the overall total assessed value of real estate would result in an increase of one percent or more in the total real property tax levied). This notice would have to contain certain information (the dollar and percentage amount of increase that the proposed tax rate would levy on the particular property relative to the previous year, the dollar amount of the tax levy on the property for the previous year and proposed levy for the current year, and the information required to be provided in the newspaper advertisement for the public hearing). This notice would be in addition to the assessment notice, and VACo had expressed opposition to requiring a separate mailing, noting that property owners already have ample information (between the assessment notice and the public hearing advertisement) to participate in the tax rate public hearing process. The patron offered an amendment in subcommittee to require this information to be included in the assessment notice (thus eliminating the requirement to send a separate mailing); with this amendment, the legislation is now similar in scope to the planned substitute for HB 639 (Sullivan), and the subcommittee plans to discuss the two bills together at its next meeting.

[HB 574 \(Thomas\)](#) is a request from the Virginia Mortgage Bankers Association. Under current law, recordation taxes are based on the greater of (i) the sales price of the property, or (ii) the “actual value of the property conveyed,” which has traditionally been interpreted to be the assessed value. The bill would codify that traditional interpretation by stipulating that “actual value” means the most recent assessed value. The bill was prompted by a temporary practice of including appraised values on deeds of trust, which were often higher than assessed values; this practice has been discontinued. This bill has been reported from House Finance and is headed to the House floor.

[HB 705 \(Webert\)](#), [HB 1502 \(Willett\)](#), and [SB 194 \(VanValkenburg\)](#), as introduced, would remove the 2025 sunset date on authority enacted in 2022 to allow localities to impose a tax rate on certain motor vehicles that is different from the rate applicable to general tangible personal property. This legislation was originally enacted to allow localities to address the spike in used car values during the pandemic. The Senate Finance and Appropriations Committee amended SB 194 to extend the sunset for two years (to 2027). The House bills have not yet been heard., as introduced, would remove the 2025 sunset date on authority enacted in 2022 to allow localities to impose a tax rate on certain motor vehicles that is different from the rate applicable to general tangible personal property. This legislation was originally enacted to allow localities to address the spike in used car values during the pandemic. The Senate Finance and Appropriations Committee amended SB 194

to extend the sunset for two years (to 2027). The House bills have not yet been heard.

[HB 384 \(Ware\)](#), [HB 1429 \(Laufer\)](#), and [SB 483 \(Aird\)](#) would add certain farm machinery, equipment, and implements used by an indoor, closed, controlled-environment commercial agricultural facility to the list of types of property that local governing bodies may wholly or partially exempt from taxation, or tax at a different rate than the rate imposed on general tangible personal property. These bills have not yet been heard.

[HB 263 \(McNamara\)](#) would provide that sales and use tax applies to accommodations furnished to transients for stays of fewer than 30 continuous days; under current law, sales and use tax applies to stays of fewer than 90 days. (Transient occupancy taxes apply to stays of fewer than 30 days.) The fiscal impact statement accompanying the bill indicates that the legislation is expected to result in an unknown negative effect on state and local revenues. This bill has not yet been heard.

[HB 875 \(Earley\)](#) would cap the personal property tax valuation of internal combustion automobiles at the assessed value during tax year 2023, or the tax year in which the vehicle was purchased new, whichever is later, as long as the Regulation for Low Emissions and Zero Emissions Vehicle Standards remains in effect. VACo had expressed concerns about the precedent set by prescribing valuation of property in this manner. The bill was tabled in a subcommittee of House Finance.

**VACo Contact:** [Katie Boyle](#)

## VACo Supports Multiple Electric Vehicle Charging Bills

[As previously reported](#), VACo supports [HB 107 \(Sullivan\)](#) as this bill would create the Electric Vehicle Rural Infrastructure Program and Fund. The Program and Fund would make available up to \$25 million each fiscal year and assist developers by offsetting up to 70 percent of the non-utility cost of electric vehicle charging stations. According to the provisions outlined in the bills, rural Virginia localities would benefit from the passage of this bill.

VACo testified in support of the bill during its initial hearing in the House Natural Resources Subcommittee, and it reported out favorably by a vote of [8-2](#). The bill was referred to House Appropriations where it is not yet docketed.

[SB 457 \(Marsden\)](#) is similar legislation that would create the Driving Decarbonization Program and Fund. The bill provides that a private developer is eligible to receive grants of 70 percent of such non-utility costs for electric vehicle

charging stations installed in a historically poor community or a rural community, and 50 percent of such non-utility costs for electric vehicle charging stations installed in any other area of the Commonwealth. The bill caps the total amount of grants awarded yearly at \$20 million.

**VACo supports both HB 107 and SB 457** and is excited to testify in favor of the bills as they are heard throughout the legislative process. VACo thanks Delegate Sullivan and Senator Marsden for bringing this important legislation forward.

**VACo Contact:** [James Hutzler](#)

## **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](#)