

Capitol Contact

Virginia General Assembly

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Bill Impacting Local Authority to Regulate Short-Term Rentals Amended to Address VACo Concerns; Another Bill Opposed by VACo Awaiting Governor's Approval

As introduced, [HB 1461 \(Mundon King\)](#) would have prohibited a locality from barring an operator, as defined in existing law, who is a lessee or sublessee of property from offering such property as a short-term rental provided the property owner has granted permission for its use as a short-term rental.

At the request of VACo the bill was amended to state that “No local ordinance shall prohibit an operator from offering a property as a short-term rental solely on the basis that such operator is a lessee or sublessee, provided that the property owner has granted permission for such property's use as a short-term rental. Localities may enact an ordinance that limits a lessee or sublessee to one short-term rental within the applicable locality.”

The purpose of the amended language is to (1) clarify that a renter must still comply with all other provisions of a local ordinance; and (2) allow localities to limit the number of properties an individual renter can operate as a short-term rental within a locality. These changes to the legislation address VACo concerns regarding the potential negative impacts to housing supply posed by a proliferation of short-term rentals, and the ability for counties to limit such. HB 1461, as amended, passed the Senate General Laws and Technology Committee and is on the Senate floor for consideration. **VACo thanks Delegate Mundon King for agreeing to the amended language.**

It is important to note that HB 1461 is not the same as [SB 544 \(Bagby\)](#), that also deals with local authority to regulate short-term rentals. SB 544 passed the legislature and is

now before the Governor for consideration – see VACo writeup titled, “[Bill to Preempt Local Authority to Regulate Short-Term Rentals Passes - Virginia Association of Counties](#).” VACo opposes SB 544.

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

Problematic Water Withdrawal Permitting Bill Goes Down the Drain

[SB 673 \(Stuart\)](#), as amended, would direct the Department of Environmental Quality and the State Water Control Board to prioritize the preservation of water for human consumption and food production in all permitting and regulatory processes related to groundwater and surface water resources.

VACo [sought member input](#) on how SB 673 would impact member counties and relayed many concerns to the patron. During the bill’s hearing in the House Chesapeake Subcommittee, SB 673 was amended back to its [original form](#), which would prioritize the preservation of drinking water in all permitting and regulatory processes related to water withdrawals. The bill would ultimately fail in the Subcommittee by a vote of 8-2.

Thank you to all who responded to our inquiry as this member feedback helps us in our advocacy.

VACo Contact: [James Hutzler](#)

Concerning Revenue Sharing Program Budget Amendment Not Included in General Assembly Budgets

[Item 438 #1h \(McQuinn\)](#) and [Item 438 #2s \(Marsden\)](#) are budget amendments that seek to rewrite the current Revenue Sharing Program prioritization process that would adversely affect county governments. VACo [sought member feedback](#) on how the proposed budget amendments may affect your locality and the impacts this could have on county-wide infrastructure.

VACo is happy to report that these budget amendments were not included in the floor approved budgets from the House or Senate. Thank you to our county leaders for providing insight into how these budget amendments would impact your locality.

VACo Contact: [James Hutzler](#)

Health and Human Services Roundup

Behavioral Health

Several bills under consideration this session resulted from a 2023 JLARC study of the state psychiatric hospital system, several recommendations of which were also endorsed by the Behavioral Health Commission:

- **HB 314 (Hope)/SB 179 (Favola)**, as introduced, would have required state hospitals (rather than CSBs) to conduct discharge planning for individuals who are discharged within 30 days of admission; CSBs would continue to be responsible for discharge planning for individuals with longer stays. The bills were amended to apply only to discharges from Central State Hospital, Southern Virginia Mental Health Institute, or Southwestern Virginia Mental Health Institute. SB 179 has passed both chambers; HB 314 is on the Senate floor.
- **HB 888 (Watts)/SB 176 (Favola)** provide that for the purpose of civil commitments and temporary detention orders (TDOs), behaviors or symptoms that manifest from a neurocognitive disorder or a neurodevelopmental disability are not sufficient, in themselves, to justify a finding of mental illness. The bills stem from a JLARC finding that state hospitals are inappropriate placements for individuals with these conditions. To address concerns about the limited availability of placement options other than state hospitals, the bills direct the convening of a workgroup and include reenactment clauses. HB 888 has passed both chambers; SB 176 awaits final action by the Senate to approve amendments made in the House.
- **HB 313 (Hope)/SB 178 (Favola)** direct the Office of the State Inspector General to develop a plan to fulfill its statutory obligation to fully investigate all complaints it receives alleging abuse, neglect, or inadequate care at a state psychiatric hospital.
- Two companion bills (**HB 808 (Rasoul)/SB 653 (Durant)**) that sought to address concerns about patients being dropped off at state hospitals that are unable to meet their medical needs failed to advance this session over concerns about their effects on law enforcement. The bills would have authorized a state hospital to delay admission of an individual who is under a TDO until the state facility has determined that the individual does not have potentially life-threatening medical needs requiring immediate evaluation and treatment that the state facility is incapable of providing. HB 808 reached the House floor but was not passed before the crossover deadline; SB 653 was stricken at the request of the patron.

Several bills that are advancing address other aspects of the behavioral health system:

- **HB 515 (Hope)** directs the Department of Behavioral Health and Developmental Services (DBHDS) to implement a pilot program at one state

hospital to allow the hospital director to discharge certain patients over the objection of the CSB if the patient has not been discharged within 15 days of a determination that the individual is ready for discharge, provided certain requirements have been met. The discharge plan would be developed by the state hospital and implemented by the CSB serving the area where the individual resided prior to admission or where the individual (or his/her representative) chose to reside post-discharge. Expenses for a trial or home visit would be covered by a person's relative, conservator, caregiver, or appropriate local department of social services. Language in the House budget provides for DBHDS to cover an individual's expenses if the individual is placed in an assisted living facility, nursing home, group home, or similar placements as part of the pilot program and there is no other public or private assistance available. HB 515 has passed both chambers.

- [HB 823 \(Cherry\)](#)/[SB 497 \(Carroll Foy\)](#) provide that when a magistrate is issuing a temporary detention order, an alternative transportation provider shall be deemed to be available if the provider is available to take custody of the individual subject to the TDO within six hours of the TDO's issuance. Under current law, if no alternative transportation provider is willing, available, and able to provide transportation in a safe manner, the magistrate must designate the primary law enforcement agency and jurisdiction designated to provide transportation; the bills add language requiring the same designation if the law enforcement agency elects to provide transportation. Both bills have passed the legislature and are headed to the Governor's desk.
- [HB 1242 \(Willett\)](#)/[SB 546 \(Bagby\)](#) are intended to allow family members or legal guardians to be present with an individual being evaluated for a temporary detention order. The bills require the evaluator or the physician or health care provider providing services to an individual who is being evaluated to allow the individual's family member or legal guardian to be present, unless the individual objects or the evaluator or the treating physician determines that the family member or legal guardian's presence would create a risk to the patient or health care provider or interfere with patient care.
- [HB 1336 \(Sickles\)](#)/[SB 568 \(Deeds\)](#) are intended to assist with regulatory issues encountered in the development of facilities licensed by DBHDS that provide crisis stabilization services. The bills allow these facilities to maintain a stock of certain controlled substances necessary for treatment, and allow facilities to use remote drug dispensing systems, based on regulations to be adopted by the Board of Pharmacy. A remote dispensing system is a machine that performs certain packaging, labeling, and dispensing functions and allows pharmacist communication with a patient or a person licensed to administer drugs when a pharmacist is not on-site. DBHDS is currently funding two projects using remote dispensing systems approved as a pilot by the Board of Pharmacy; the legislation would allow the pilot to become permanent, as well as the expansion of operations to other sites. These bills have passed the General Assembly.

- [**SB 34 \(Locke\)**](#), in its current form, authorizes certain employees of hospitals with a psychiatric emergency department located in Senate District 23 to perform evaluations to determine whether a person meets the criteria for temporary detention. Under current law, these evaluations are conducted by an employee or designee of the CSB. The bill has a July 1, 2026, sunset date. The bill is on the House floor.
- [**SB 574 \(Deeds\)**](#) directs the Behavioral Health Commission to study how to align current civil admissions laws and processes (to include processes related to licensing, regulations, training, and reimbursement) with new behavioral health and crisis response services and resources. A report is due by July 1, 2025.
- [**HB 292 \(Ballard\)/SB 725 \(Pillion\)**](#) rename drug treatment courts as recovery courts.

Health

- Under current law, churches, fraternal or school organizations, certain tax-exempt organizations, and volunteer fire and EMS agencies are exempt from restaurant regulations when these organizations offer food for sale to the public as part of occasional fundraisers held by the organization. [**HB 57 \(Wright\)**](#) extends this exemption to fundraising events in which the organization participates; the bill is awaiting action by the Governor.
- [**HB 150 \(Helmer\)**](#) provides that the Department of Social Services may not require individuals applying for or renewing Supplemental Nutrition Assistance Program (SNAP) benefits to appear in person except as provided in federal law or regulation. The bill also codifies the Virginia Department of Health's authority to implement the Special Supplemental Nutrition Program for Women, Infants, and Children (the WIC Program), which currently exists in regulation, and requires all localities to participate (according to the Virginia Department of Health, all local health departments currently offer the program). This bill is on the Senate floor.
- [**HB 354 \(Hope\)**](#) directs the Board of Health to promulgate regulations governing swimming pools, including requirements for water treatment and disinfection, daily posting of water quality data, safety equipment and features, maintenance and safety of equipment and premises, operational requirements, facility staffing, incident response, and other provisions necessary to protect public health and safety. The regulations would not apply to the design, construction, or maintenance of pool structures and equipment governed by the Uniform Statewide Building Code. The bill provides that localities would not be prohibited from adopting more stringent regulations. HB 345 has passed the General Assembly.

- [**HB 570 \(Delaney\)/SB 274 \(Deeds\)**](#) establish the Prescription Drug Affordability Board and empower the Board to conduct affordability reviews of certain high-cost drugs and impose upper payment limits on up to 12 drugs annually between January 1, 2025 (when the bills take effect), and January 1, 2028. SB 274 has passed both chambers; HB 570 is on the Senate floor.

Social Services

- [**HB 27 \(Callsen\)/SB 39 \(Favola\)**](#) create the Parental Child Safety Placement Program. The bills require local boards of social services to first consider placement with a kinship foster parent in placing a child who has been removed from the home, and require an exception report if a local board does not place a child with an approved kinship foster parent. Under the Parental Child Safety Placement Program, a local department may facilitate a temporary out-of-home placement of a child with a caregiver that is arranged by the parent, guardian, or legal custodian in accordance with a written agreement that ensures the child's safety and is approved by the local department. Such a placement may be facilitated if a family assessment or investigation has been initiated in response to a valid complaint of abuse or neglect, the child cannot remain safely in the home, and the parent, guardian, or legal custodian agrees to the arrangement. The bills set out the provisions that must be included in the parental child safety placement agreement, require the local department to assess the proposed caregiver's qualifications to care for the child, and set out a process for the safe return of the child to the home at the conclusion of the parental child safety placement agreement (if the child can be safely returned home), or for removal of the child (if the child cannot safely return). HB 27 is on the Senate floor; SB 39 has passed both chambers.
- [**HB 855 \(Hernandez\)**](#), as passed by the House, directs the State Board of Social Services to promulgate regulations to allow applications for the Home Energy Assistance Program to be submitted year-round, provided adequate funding is available. The Senate Finance and Appropriations Committee amended the bill on Monday to direct that the regulations allow applications to be submitted over an application period that provides adequate time for individuals to apply and is extended beyond the current application period, provided adequate funding is available. The bill is now on the Senate floor.
- [**HB 992 \(Tran\)**](#) requires each local department of social services to enter into a written agreement with the local workforce development board to provide for the coordinated provision of workforce development services to participants in the Virginia Initiative for Education and Work (VIEW) and Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T) programs. This bill is a recommendation of a 2023 JLARC study of self-sufficiency programs and is on the Senate floor.
- [**SB 70 \(McPike\)**](#) was a policy option in the 2023 JLARC study of self-sufficiency programs and would have required all local departments of social services to offer

a voluntary SNAP E&T program, from such funds as were appropriated for that purpose. Currently, only 37 of the 120 local departments offer the program. This bill was tabled in the House Appropriations Committee over concerns about its fiscal impact.

VACo Contact: [Katie Boyle](#)

PFAS Testing Bill Amended in VACo's Favor Sent to the Governor

[HB 1085 \(Rasoul\)](#) and [SB 243 \(McPike\)](#), as introduced, would have required 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. VACo initially opposed 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.

During HB 1085’s journey through the House, a more favorable PFAS bill ([HB 245 \(Bulova\)](#)) was incorporated into HB 1085 and the legislation was subsequently **substituted**. Currently, HB 1085 as a substitute, is more favorable legislation for localities. The substitute removes the mandatory testing of local drinking water facilities to be done by the locality and would put the onus on state and relevant agencies to test for PFAS. If the tests reveal PFAS levels that are above the U.S. Environmental Protection Agency’s maximum contaminant level, then the Department of Environmental Quality would develop and implement a plan to identify and assess the significant sources of PFAS in the water system. The bill also creates the PFAS Expert Advisory Committee. The Committee is tasked with assisting the Department of Environmental Quality and the Virginia Department of Health in identifying PFAS sources through PFAS assessments, associated monitoring and reporting, public and private lab testing capacity and identifying options for reducing PFAS in source waters.

SB 243 would follow a similar path and be **substituted** through its journey in the Senate to make it identical to HB 1085. Both bills have passed through the legislature unanimously and are headed to the Governor’s office. VACo thanks Delegate Rasoul and Senator McPike for hearing our concerns, working with us and offering the substitute bills.

VACo Contact: [James Hutzler](#)

Unpaved Road Flexibility Bills Unanimously Approved by General Assembly

[SB 644 \(Perry\)](#) and [HB 74 \(Reid\)](#) would clarify that the improvement of nonsurface treated secondary highways includes modifications other than paving. These improvements, include but aren't limited to, drainage upgrades, enhanced design of the highway profile, or any positive changes to increase safety, reduce maintenance cost or enhance the historic qualities of the road in question. The bill would also clarify that the local governing body of the county receiving funds for such improvements will select the highways or highway segments to be improved, after consulting with the Virginia Department of Transportation.

The introduced versions of the bills included [troublesome language](#) that would not apply to all counties but with help from VACo and other stakeholders, [amendments](#) were adopted to alleviate this concern.

Now identical, both HB 74 and SB 644 have passed through the General Assembly unanimously where they await a decision by the Governor. VACo thanks Delegate Reid and Senator Perry for working with us, hearing our concerns, and putting forward these helpful bills. **VACo supports SB 644 and HB 74** and hopes to see them signed into law.

VACo Contact: [James Hutzler](#)

Water and Wastewater Facility Compliance and Modernization Bill Passes Through General Assembly

[HB 220 \(Orrock\)](#) would establish a new protocol for an unexpected vacancy of the licensed operator position for water treatment facilities and wastewater treatment facilities. The bill also permits remote monitoring of the facility by the licensed operator upon a demonstration of adequate monitoring technology.

Specifically, the bill provides regulatory framework for the facility to stay in compliance with U.S. Environmental Protection Agency and other requirements if an unexpected vacancy occurs for the licensed operator position at such water or wastewater facility. The other focal point of the legislation is to provide more flexibility for water and wastewater facilities by taking advantage of technology to enable remote monitoring of these facilities. The facility seeking to monitor operations remotely would have to submit a remote monitoring plan with the specific requirements laid out in the bill and the respective Virginia state agency would have the discretion to approve or deny such plan.

It has been difficult for localities to find and hire licensed operators for these facilities recently, and this bill further builds off efforts VACo supported in the [2023 General Assembly](#) session to provide flexibility for these necessary public services and public works employees.

VACo has **testified in support** of this bill, which reported out unanimously during all its stops along the legislative process. HB 220 now heads to the Governor's desk where we await a decision. VACo thanks Delegate Orrock for bringing forward this important bill.

VACo Contact: [James Hutzler](#)

Photo Speed Enforcement in High-Risk Intersection Bill to be Sent to Governor

[SB 336 \(Roem\)](#), as amended, contains much of the same language as [the introduced](#) but makes the bill narrower in its application. The current version of SB 336 defines a “high-risk intersection segment,” as, “... any highway or portion thereof located not more than 1,000 feet from the limits of the property of a school that is part of or adjacent to an intersection containing a marked crosswalk...,” and a traffic fatality must have occurred since January 1, 2014. The amended version adds language stating that any civil penalties collected in the high-risk intersection segment shall be paid to the Commonwealth Transportation Board and used for the Virginia Highway Safety Improvement Program.

This new language **DOES NOT** interfere with the current code language and process for operating and enforcing photo speed cameras in school and work zones.

The amended version of SB 336 would pass out of the House [73-26](#) and the Senate would agree to the amended bill by a vote of [22-17](#). The bill will now be sent to the Governor's office.

VACo Contact: [James Hutzler](#)

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](#)