

Capitol Contact

Virginia General Assembly

Virginia Association of Counties • 1207 E. Main Street, Suite 300 • Richmond, VA 23219
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Thursday, January 22, 2026

ACTION ITEM: Call Now to Oppose Bill to Preempt Local Land Use Authority

Bill directs local BZA's to Overturn Land Use Decisions Based on State Imposed Criteria.

HB 804 (Helmer) requires local Boards of Zoning Appeals to overturn local land use decisions that will have the effect of increasing the supply of housing in a locality, if a locality has not made a “good faith effort” to meet required housing targets over a five-year period. After January 1, 2033, an applicant who seeks local government approval for a residential development that will increase the number of housing units in a locality and has that application rejected may appeal such decision to the Board of Zoning Appeals.

ACTION REQUIRED – Call members of the [**House Counties, Cities and Towns Committee**](#) today to oppose HB 804.

HB 804 was approved by the House Counties, Cities and Towns Subcommittee #2 by a vote of [6-1](#) and will be heard in full committee Friday, January 23 for further consideration.

The process for overturning local land use decisions by a BZA begins, starting January 1, 2028, with every locality mandated to increase its total housing stock by an average of 1.5 percent growth per year for five consecutive years to meet a total of 7.5 percent growth target.

In order to be deemed compliant with meeting their targets, every locality is required to develop a housing growth plan that either (1) allow for the by-right development and construction of multifamily residential uses on at least 75 percent of all land contained in commercial or business zoning districts; or (2) include at least three of the following eight actions:

1. Eliminate minimum lot size requirements for new housing developments.
2. Eliminate off-street parking requirements for new housing developments.
3. Increase building height limits for multifamily housing in one or more districts zoned for multifamily housing.
4. Reduce the median time to receive final approval for site plans and rezonings combined for new single-family and multifamily housing developments to 180 days and for new affordable housing developments to 120 days.
5. Modify zoning ordinances to allow for accessory dwelling units and high-density housing, including multifamily units such as apartments and condominiums, on land previously zoned for single-family use, including all land use changes necessary to make for feasible construction of accessory dwelling units.
6. Rezone all commercial and undeveloped residential parcels to allow for residential development near transit stations, places of employment, higher education facilities, and other appropriate population centers.
7. Rezone office parks and strip malls to permit high-density single-family and multifamily housing developments.
8. Create and fund an affordable housing trust fund to provide grant subsidies to for-profit and nonprofit developers for the purpose of building single-family and multifamily housing at rates affordable to households earning below 80 percent of the area median income.

KEY POINTS

- State law currently requires localities to include in their comprehensive plans ... *the designation of areas and implementation of measures for the construction, rehabilitation and maintenance of affordable housing, which is sufficient to meet the current and future needs of residents of all levels of income in the locality while considering the current and future needs of the planning district within which the locality is situated.*
- HB 804 preempts local decision-making authority and creates an unnecessary bureaucracy of state level policies and targets for housing that are more appropriate for localities and regions to establish.

- Under state law, local Boards of Zoning Appeals are specifically not granted the ... *power to rezone property or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the governing body.*

KEY CONTACT

House Counties, Cities and Towns Committee

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

ACTION ITEM: Call Now to Oppose Bill to Make Multi-Family Residential a “By-Right” Use in Commercial Districts

HB 816 (Helmer) requires all local zoning ordinances allow for the by-right development and construction of multifamily residential uses on at least 75 percent of all land contained in commercial or business zoning district classifications. The bill also (1) requires that the zoning ordinance provisions must exempt any proposed development that converts an existing building to a multifamily residential use from any setback, height, or frontage requirements; and (2) prohibits localities from approving any commercial or business use on a property adjacent to the approved multifamily residential development that is different from the use that had been established at the time the multifamily residential development was approved.

ACTION REQUIRED – Oppose HB 816 today by contacting members of the [House Counties, Cities and Towns Committee](#).

HB 816 was approved by the House Counties, Cities and Towns Subcommittee #2 by a [vote of 6-1](#) and will be heard in full committee on Friday, January 23 for further consideration.

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 multi-family residential use on land planned and zoned for commercial and business growth, invalidates publicly invested time and money, and ignores the role of counties in making wise land use decisions for their communities.

KEY CONTACT

House Counties, Cities and Towns Committee

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

Transit Funding Bills Introduced

Multiple bills have been introduced during the General Assembly session aimed at raising revenues for transit and other public transportation purposes. VACo expected bills that address transit funding to be filed this year as the Northern Virginia Growing Needs of Public Transit Joint Subcommittee (SJ 28) [**formally transmitted**](#) its recommendations to legislators in November 2025. All the bills introduced so far vary but generally raise certain taxes and fees and dedicate them for transit and public transportation purposes.

[**HB900 \(Sullivan\)**](#) would decrease the statewide retail sales and use tax from 4.3 percent to 4 percent and expand such tax to taxable services and digital personal property beginning on January 1, 2027.

Furthermore, the bill imposes additional retail sales and use tax in any county or city:

- That is a member of the Northern Virginia Transportation Commission (NVTC) at the rate of 0.385 percent
- That is embraced by the Northern Virginia Transportation Authority but that is not a member of the Northern Virginia Transportation Commission at the rate of 0.615 percent
- That is a member of the Potomac and Rappahannock Transportation Commission (PRTC) at the rate of 0.2 percent

The bill would also impose a retail delivery fee in the amount of 20 cents upon each retail delivery made in any county or city located within the Northern Virginia Transportation District. Lastly, the bill would impose a regional highway use fee on all vehicles in the Commonwealth that are subject to the existing highway use fee. This additional fee would be 29.34 percent of the amount of the current highway use fee assessed. This regional highway use fee would, depending on where a vehicle is garaged, be allocated to the proposed Northern Virginia Transportation District Regional Fund, Potomac and Rappahannock Transportation Commission Regional Fund or the existing Commonwealth Transportation Fund.

HB 900 would have the funds generated from these various proposals be deposited in the Northern Virginia Transportation District Regional Fund and the Potomac and Rappahannock Transportation Commission Regional Fund. These two funds would then be used to benefit public transportation efforts in the NVTC and PRTC

regions through supporting the Washington Metro Area Transit Authority (WMATA), Virginia Railway Express and local transit agencies.

HB 1179 (Tran) and **SB 638 (Ebbin)** are similar bill to HB 990 in that it would create the Northern Virginia Transportation District Regional Fund and the Potomac and Rappahannock Transportation Commission Regional Fund along with imposing various taxes with the revenue generated being put toward public transportation purposes.

As we saw with HB 990 and SB 603, HB 1179 would create a regional highway use fee in addition to the highway use fee already assessed. The regional fee would be 29.34% of the amount of the current highway use fee assessed. This regional highway use fee would, depending on where a vehicle is garaged, be allocated to the Northern Virginia Transportation District Regional Fund, Potomac and Rappahannock Transportation Commission Regional Fund or the Commonwealth Transportation Fund.

HB 1179 would impose an additional retail sales tax of 0.2 percent in any locality that is a member of the Northern Virginia Transportation Commission or the Potomac and Rappahannock Transportation Commission. The revenue generated and collected from this additional retail sales tax would be deposited in the Northern Virginia Transportation District Regional Fund for revenue from any county or city that is a member of the Northern Virginia Transportation Commission or the Potomac and Rappahannock Transportation Commission Regional Fund for revenue from any county or city that is a member of the Potomac and Rappahannock Transportation Commission.

This bill would also impose a transportation network companies tax. A transportation network company (TNC) is a person who provides prearranged rides using a digital platform that connects passengers with TNC partners. Common examples are Lyft and Uber. The transportation network companies tax would be levied at a rate of 4.3 percent statewide and at an additional 1.9 percent within localities that are members of the Northern Virginia Transportation Commission. Revenues generated from the statewide portion of the tax would be deposited into the Commonwealth Mass Transit Fund (CMTF), which supports all public transit agencies across Virginia. Revenues generated from the additional northern Virginia specific portion of the tax would be deposited in the Northern Virginia Transportation District Regional Fund.

This legislation would also impose a retail delivery fee of 50 cents per retail delivery made in the Commonwealth. In addition to the 50 cents fee, retail deliveries made in any county or city that is a member of the NVTC will be charged an extra 25 cents. The revenue generated from the statewide fee would be deposited in the CMTF while the NVTC portion of the fee would be deposited into the Northern Virginia Transportation District Regional Fund.

Lastly, this bill would impose a regional commercial parking tax in any locality that is a member of the NVTC. The regional commercial parking tax would be 10% of the

gross receipts for parking or storing motor vehicles or trailers in a public commercial parking lot. There are some exclusions to this tax and all revenue generated is to be deposited in the Northern Virginia Transportation District Regional Fund.

HB 978 Watts would expand the retail sales and use tax to many services not previously covered. The bill also imposes the retail sales and use tax on digital personal property.

Revenues generated by the taxes levied on services and digital personal property shall be allocated in the same manner as other sales and use taxes; however, revenues from the state portion of the sales and use tax that would be allocated to the general fund shall instead be allocated as follows:

- Revenue generated by the imposition of such tax on delivery services in the Northern Virginia Transportation District shall be distributed to the Washington Metropolitan Area Transit Authority
- All other revenues generated by the imposition of such tax on delivery services shall be distributed to the Commonwealth Transportation Fund.
- Of the remaining revenues raised, 60 percent shall be distributed to localities on the basis of school-age population and 40 percent shall be distributed to localities on the basis of the high-need student population in the locality.

The bill clarifies that a high-need student population includes students who are:

- Automatically certified for free school meals because of participation in social services programs
- Participants in a program of special education, or
- English language learners.

The bill provides certain exemptions to the sales and use tax on services.

Finally, the bill exempts food purchased for human consumption and essential personal hygiene products from all state, local, and regional sales taxes on and after July 1, 2026.

VACo staff will continue to monitor and track these bills as they are heard and will be sure to provide updates when applicable. VACo staff believes these bills and their contents will be folded into one larger transportation funding bill at some point during the Session. VACo remains dedicated to advocating for transportation funding policies that empower counties to address their evolving infrastructure needs effectively and to foster economic development.

VACo Contact: James Hutzler

School Construction Financing Bill Advances to House Floor

[HB 334 \(Rasoul\)](#), legislation that once again seeks to grant additional revenue raising authority if approved by local referendum for school capital needs, has been voted forward to the floor of the House of Delegates. On January 21, the House Finance Committee voted 16-6 to report the bill. This followed the actions of House Finance Subcommittee #2 on January 20 to recommend reporting the bill. VACo testified in support of this long-held priority legislation.

As previously [reported](#), funding for school construction and renovation is one of the biggest concerns and responsibilities of local governments in the Commonwealth and has been almost solely a local responsibility for decades. The condition of the facilities in which children are educated has a direct impact on their ability to learn.

Many localities face significant challenges in raising sufficient funds to undertake these projects. These challenges include over-reliance on real property taxes to generate revenue, which can have vastly different yields depending on the locality and disproportionately burden a subset of taxpayers within a jurisdiction. This raises concerns about equity and diversity of revenues.

HB 334 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 a local tax would be used solely for capital projects for the construction or renovation of schools, including service of debt for existing projects. As currently drafted, there are slight differences in the debt services provisions of each bill that VACo is aware of and engaged on.

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.

[SB 66 \(McPike\)](#), which is the Senate companion to HB 334, has been referred to the Senate Finance and Appropriations Committee.

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

Predator Control Flexibility Bill Introduced

[HB 129 \(Cornett\)](#) would allow an owner or lessee of land who sees a deer in the act of causing damage to fruit trees, crops, livestock, plants or personal property to kill the deer responsible without authorization from the Department of Wildlife

Resources. The owner of lessee of the land must immediately report the killing of the deer to the Director of the Department of Wildlife Resources or their designee and comply with all local ordinances, including those regulating the discharge of firearms.

VACo supports efforts that allow farmers and producers sufficient flexibility when protecting livestock and crops against predatory animals.

VACo Contact: [James Hutzler](#)

VACo Opposes Bills that Limit Local Government Authority to use Public Safety Devices

[SB 297 \(Peake\)](#) would repeal the authority of local law enforcement agencies to operate photo speed monitoring devices (speed cameras) throughout the Commonwealth while **[SB 306 \(Peake\)](#)** would repeal local authority to use traffic light signal violation monitoring systems (red light cameras) and other traffic control device violation monitoring systems to enforce certain traffic offenses.

VACo opposes both bills as they would restrict a locality's ability to respond to public safety concerns in school zones, work zones and others areas within their locality. The bills will be heard in the Senate Transportation Committee today. VACo will provide updates on SB 306 and 297 as they are made available.

VACo Contact: [James Hutzler](#)

Key Dates for 2026 General Assembly Session

The General Assembly convenes today for a scheduled 60-day session.

Key dates for the 2026 session, as approved by the Joint Rules Committee in the procedural resolution setting out the schedule for the session, are as follows:

- **Wednesday, January 14:** General Assembly convenes; pre-filed bills must be submitted by 10:00 a.m. (after the prefiling deadline, legislators are limited to five additional bills or resolutions). Last day to submit bills creating or continuing a study or to submit bills dealing with the Virginia Retirement System. Governor Youngkin will address a joint session of the General Assembly at 7 p.m.

- **Friday, January 16:** Deadline to submit budget amendments.
- **Saturday, January 17:** Inauguration of Governor-Elect Spanberger, Lieutenant Governor-Elect Hashmi, and Attorney General-Elect Jones.
- **Monday, January 19:** Joint session of the General Assembly for remarks by Governor Spanberger.
- **Friday, January 23:** Last day to submit legislation, other than bills submitted by unanimous consent or bills requested by the Governor.
- **Tuesday, February 17:** Last day for bills to be acted upon in their chambers of origin, other than the budget bills. Bills must “cross over” to the opposite chamber by Wednesday, February 18.
- **Sunday, February 22:** “Budget Sunday” deadline for House Appropriations and Senate Finance and Appropriations committees to report their respective budget proposals.
- **Thursday, February 26:** Deadline for each chamber to act on its respective budget proposal.
- **Wednesday, March 4:** Deadline for each chamber to act on budget and revenue bills from the other chamber and appoint conferees as necessary.
- **Monday, March 9:** Deadline for committee action on all legislation by midnight.
- **Saturday, March 14:** Scheduled adjournment *sine die*.
- **Wednesday, April 22:** Reconvened session to consider Governor’s actions on bills and budget items.

VACo Contact: [Katie Boyle](#)

Advocate for Your Community at the VACo Local Government Day

Thursday, February 5, 2026 | [Omni Richmond Hotel](#)



REGISTER TODAY

It's a day for us. Localities. 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.

Date: Thursday, February 5, 2026

Reserve a Room: [Omni Richmond Hotel Room Link](#)

Who should attend: ALL local elected officials and staff are encouraged to register and attend.

Registration Fee

\$100 | Includes Day Briefing (Noon – 2pm) and Reception (430pm – 630pm)

Agenda

- **9am** | VACo Board of Directors Meeting
- **10am** | Registration
- **1130am** | Lunch

- **Noon** | VACo Local Government Day
- **Afternoon** | Visit the Capitol to speak with legislators
- **4:30pm-6:30pm** | VACo Legislative Reception | Omni Richmond Hotel

Please email Valerie Russell at vrussell@vaco.org with questions.

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 [**2026 Legislative Program**](#). We will distribute the Local Government Day Bulletin before the event.

VACo Contact: [**Valerie Russell**](#)