

Capitol Contact

Virginia General Assembly

Virginia Association of Counties • 1207 E. Main Street, Suite 300 • Richmond, VA 23219
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Thursday, February 12, 2026

ACTION ITEM: Speed Camera Bills that Waive Sovereign Immunity to be Heard on House Floor

[HB 1220 \(Delaney\)](#), [HB 994 \(Seibold\)](#), and [HB 1330 \(Seibold\)](#) make various changes to the requirements governing the use of photo speed monitoring devices. These changes address topics such as the use of civil penalty revenues, signage, data retention, device calibration, reporting requirements, and other operational standards.

ACTION REQUESTED

- Contact **[House of Delegates](#)** members to oppose HB 1220, HB 994, and HB 1330.
- The bills passed through the House and will be voted on the floor as early as next Tuesday.

Each bill includes language stating that, in any court proceeding involving a failure by a locality, or a private vendor acting on its behalf, to comply with photo speed monitoring requirements, the **locality must waive its sovereign immunity** in that proceeding.

KEY POINTS

- **VACo opposes HB 1220, HB 994, and HB 1330** because waiving sovereign immunity would expose localities to open-ended legal liability, including the potential for high-dollar verdicts.
- This provision could jeopardize the viability of local photo speed enforcement programs across the Commonwealth.
- VACo supports the use of photo speed monitoring devices in the interest of public safety and believes these programs must remain a practical and sustainable option for localities now and in the future.

KEY CONTACTS

- House of Delegates ([House Emails 1](#) | [House Emails 2](#))

VACo Contact: [James Hutzler](#)

ACTION ITEM: Bill to Override Local Authority to Regulate Off-Street Parking Passes the House

By a [vote of 61-37](#), the House of Delegates passed [HB 888 \(Shin\)](#) that mandates specific statewide standards for off-street parking be adopted in local zoning ordinances for “designated areas” defined as ... *any parcel that is (i) located within one mile of the entrance to a mass transit or public transportation station or facility; (ii) located within an approved small area plan and designated therein as a revitalization area or other designated district established for the purpose of facilitating residential or mixed-use development; (iii) located within a zoning district classification that permits residential, multifamily, or mixed-use development and authorizes a floor area ratio of 1.0 or greater, either by-right or by special exception, special use permit, conditional use permit, or other discretionary approval; or (iv) subject to an affordable dwelling unit ordinance pursuant to § 15.2-2304, 15.2-2305, or 15.2-2305.1.*

Within such areas localities are prohibited from requiring off-street parking spaces in amounts exceeding (1) one-half of one parking space per dwelling unit for multifamily or mixed-use residential development; and (2) one parking space per dwelling unit for one-family and two-family dwellings and townhouses.

ACTION REQUESTED

- Contact members of the [Senate Local Government Committee](#) and urge them to Oppose HB 888.

The legislation also requires localities with a population greater than 20,000 to provide for administrative reduction of minimum off-street parking requirements of not less than 20 percent for residential, multifamily, or mixed-use development proposed on parcels **outside of the designated areas** defined in the legislation.

KEY POINTS

- Off-street parking requirements should be crafted with the input of local stakeholders.

- Mandatory statewide standards arbitrarily applied to all localities will fail to address the unique needs and circumstances of individual neighborhoods and commercial districts.

KEY CONTACTS

- [**Senate Local Government**](#)

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

ACTION ITEM: Bills Mandating Statewide Standards for Solar Facilities Clear the House and Senate

By votes of [**63-33**](#) and [**21-17**](#), [**HB 711 \(Herring\)**](#) and [**SB 347 \(VanValkenburg\)**](#) passed in the House and Senate. The bills require that, unless otherwise permitted “by right,” a locality shall require a “special exception” (aka special use permit) for any a solar project one megawatt or more in generating capacity.

ACTION REQUESTED

- Contact [**House of Delegates**](#) and [**Senate**](#) members now to Oppose HB 711 and SB 347.

The legislation then includes the following criteria to be adopted in local zoning ordinances:

- Setback distances between (1) 150 and 200 feet from houses on adjacent properties; (2) 50 and 100 feet from any state-maintained road; and (3) 100 and 250 feet from edge of streams and wetlands.
- Vegetative visual screening requirements shall not be required to exceed between three feet at planting and shall allow for consideration of preexisting natural or manmade visual barriers.
- Maximum 25-foot height for solar panels, except in cases where a height variance is necessary to allow for agrivoltaics activity below or in proximity to the panels.

While there is no mandate to approve such applications, the legislation does require localities to ... furnish the State Corporation Commission a record of special exception decisions reached pursuant to this section not more than 60 days after such decision is made. The record shall include (i) the reason for any adverse decision, (ii) any finding of nonconformity with the local comprehensive plan, and (iii) the date of the last revision to the comprehensive plan.

KEY POINTS

- VACo supports maintaining local authority to address all impacts and all choices associated with utility-scale installations of solar power, wind power, and energy storage facilities.
- Counties should not be required to adopt state-wide criteria for the review and approval of solar and energy storage facilities in local zoning ordinances.

KEY CONTACTS

- House of Delegates ([House Emails 1](#) | [House Emails 2](#))
- [Senate of Virginia](#)

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

ACTION ITEM: Bill to Expand Optional Affordable Dwelling Unit Program to All Localities Passes

By a vote of 21-19, the Senate passed [SB 74 \(McPike\)](#) that expands to all localities the ability to provide optional increases in density to meet affordable housing needs in the Commonwealth. Currently this authority is only provided to seven jurisdictions where it has proven successful in developing affordable housing units where developers have chosen this option.

ACTION REQUESTED

- Contact members of the [House Counties, Cities and Towns Committee](#) and urge them to Support SB 74.

The legislation also lays out additional implementation measures and tools for localities to consider when developing a successful program. These include lot size reductions, accessory housing unit allowances, conversion of vacant office and commercial space to multi-family apartments, and allowance for lower-cost home construction alternatives such as manufactured homes and duplex manufactured homes.

KEY POINTS

- VACo supports optional incentives for developers to assist localities in creating and sustaining more affordable housing.
- SB 74 requires a locality, before adopting a program, to create an advisory committee of stakeholders that includes residents, developers, real estate professionals, affordable housing advocates, and finance professionals. This provision will help to craft successful programs at the local level.

KEY CONTACTS

- [**House Counties, Cities and Towns**](#)

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

Car Tax Legislation Fails to Advance; Study Resolution Awaits Action in the Senate

A subcommittee of House Finance tabled [**HB 566 \(McNamara\)**](#), the last remaining proposal to enact changes to the car tax, on Tuesday afternoon. As presented to the subcommittee, the bill would have required localities to functionally exempt the first \$5,000 of value of qualifying vehicles from taxation by reducing the tax rate to a fraction of a cent, beginning in tax year 2027. Under the bill, the state would reimburse localities for the lost revenue associated with this reduction. Beginning in tax year 2028, in any year in which a locality's revenues grow by 5 percent or more, the functional exemption would increase by an additional \$5,000 in value until the tax-exempt value equaled \$20,000. The patron explained that his intention was for the state to revisit the issue and develop a solution to replace lost revenue as the tax exemption phased in to the full \$20,000. VACo spoke during the subcommittee hearing and cautioned members to ensure that localities were held harmless as the value of the tax exemption increased in the out-years, should the bill move forward.

[**SB 799 \(Durant\)**](#), which would have removed the cap on the state's car tax reimbursement to localities and required localities to functionally eliminate the car tax by reducing the local tax rate on qualifying vehicles to a fraction of a cent, was heard in a subcommittee of Senate Finance and Appropriations earlier in the session and recommended to be passed by indefinitely over concerns about the state's capacity to reimburse localities.

[**HJ 34 \(Franklin\)**](#), which directs the Department of Taxation to study options for abolishing the car tax, has passed the House and will be heard in the Senate Finance and Appropriations Committee. This resolution requires the Department to determine the financial repercussions for localities of eliminating the tax and to examine potential alternative revenue streams to keep localities whole. VACo and VML would be consulted as part of the study. VACo is supporting the study as a means of gathering comprehensive data to inform further discussions about this issue, to include options for how localities can be held harmless. A companion resolution, [**SR 6 \(Marsden\)**](#), was continued to 2027 in the same committee last week.

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

Bills Requiring Local Responsibility for Virginia Alcohol Safety Action Programs Have Been Improved

[**HB 862 \(Cousins\)**](#) and [**SB 391 \(Stuart\)**](#) are bills introduced at the recommendation of the Virginia Alcohol Safety Action Program Commission (VASAP), a legislative branch commission. The bills stem from a small working group of VASAP Commission members that met last fall and did not include local government representation. Significantly, as introduced, the bills would require localities to provide financial support for local alcohol safety action programs and require each local alcohol safety action program to have a locality serve as its fiscal agent; these are broad changes to the program that were not previously discussed with local governments.

The bills also codify some regulations, reorganize certain Code sections, and set out responsibilities for local policy boards that supervise local alcohol safety action programs.

VACo has advocated that the provisions of the bills that impose these new responsibilities on localities be converted to study directives. A working group, as proposed by VACo, would provide an opportunity to consider how the program could be bolstered -- a discussion that is likely overdue, as VASAP's funding structure has been stressed for some time. The state created VASAP in the mid-1980s as a program supported by fees paid by individuals referred by the courts to the program, but the fees have not increased in years and judges at times waive fees for individuals they deem unable to pay. Legislation in 2024 seeking to increase program fees failed to make it through the General Assembly. No state General Funds currently support the program.

After a series of amendments made on Friday and Wednesday, both bills now delay the requirement for a local ASAP to designate a fiscal agent locality and the requirement for localities to make financial contributions to local ASAPs until January 1, 2028, and include workgroup language proposed by VACo and VML that would direct the Secretary of Health and Human Resources, in consultation with the Secretary of Public Safety and Homeland Security and the Secretary of Transportation, to convene a work group to review the sustainability of the structure and funding model for VASAP. Both bills are headed to the floor in their respective chambers.

VACo Contact: [Katie Boyle](#)

Legislation Dictating Use of Local Revenues from Data Centers Continued to 2027

[**HB 1132 \(Reid\)**](#), as presented to a subcommittee of House Finance on Monday morning, would have required any locality collecting real property taxes from at least 20 data centers to create a local residential renewable energy incentive program and dedicate to the program all or a portion of the increase in data center real estate and/or machinery and tools tax revenue attributable to the growth in assessed value of the property. The bill envisioned 15 percent of new data center revenue being spent toward residential solar and battery storage investment and 15 percent being used for car tax relief. VACo spoke against the bill, pointing out that the legislation set a problematic precedent by allowing the state to stipulate the use of local revenues generated through a major local revenue source. The bill was continued to 2027 in the full House Finance Committee on Wednesday afternoon.

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

Juvenile Detention Center Legislation Continued to 2027

[**SB 468 \(Marsden\)**](#), which built on previous discussions about consolidation of juvenile detention centers, advanced from the Senate Rehabilitation and Social Services Committee on Friday, but was continued to 2027 on Wednesday in the Senate Finance and Appropriations Committee. The bill would add elements to the statewide plan that the Department of Juvenile Justice (DJJ) must produce biennially and require that this document include a plan for juvenile secure detention facilities, which would designate the total number of facilities to be in operation, the location of each facility, the localities each facility would serve, and the number of beds required for each facility. As introduced, the bill would have enabled DJJ to reduce or eliminate state funds to any localities that did not participate in the plan for juvenile secure detention facilities; amended language offered in the Senate Rehabilitation and Social Services Committee instead provided that the plan would inform state funding decisions. Amendments offered in Senate Rehabilitation and Social Services also would have required stakeholder participation in developing the plan.

The bill also would allow DJJ to designate up to three juvenile detention centers to provide additional support and services to juveniles identified as high-needs or high-risk, and included provisions dealing with costs for youth who are transferred from one juvenile detention center to another.

VACo has historically opposed mandates from the state regarding consolidation of juvenile detention centers and maintained that decisions regarding consolidation should

be made by the affected local governments so that the benefits and drawbacks can be fully considered. In discussions with the patron, VACo encouraged the state planning process envisioned in the bill to encompass a qualitative review of how well the state system of juvenile correctional and juvenile detention centers is serving youth, rather than prescribing the number of facilities and beds in juvenile detention centers.

VACo Contact: [Katie Boyle](#)

VACo Supports Legislation Extending Sunset of the Commission on School Construction and Modernization

VACo supports [HB 544 \(Askew\)](#) and [SB 498 \(Aird\)](#), which would eliminate the expiration date of the Commission on School Construction and Modernization, which, pursuant to current law, is set to expire on July 1, 2026. Both bills passed their respective chambers unanimously and have been referred to each chamber's Committee on Rules. VACo testified in support of this legislation. The Commission has been instrumental in studying and developing policy and legislative recommendations to address the issue of aging school infrastructure in Virginia, such as HB 334 (Rasoul) and SB 607 (Lucas), as reported [here](#).

The bills also direct the Commission to (i) meet at least four times each year and post notice of the date, time, and location of each meeting on the central, publicly available electronic calendar maintained by the Commonwealth in accordance with applicable law; (ii) update annually the statewide needs estimate for construction and modernization of school facilities; (iii) develop and deliver by November 1, 2026, a 10-year capital roadmap; and (iv) collaborate with early childhood care and education Ready Regions and comprehensive community colleges in the Commonwealth to collect and evaluate data relating to Ready Region and comprehensive community college facility usage, availability, and needs. Finally, the bill directs the Department of Education, in order to assist the Commission with its work, to update and make available to the Commission an inventory of all public school facilities in the Commonwealth by September 1, 2026.

VACo also supports [HB 264 \(Simonds\)](#), which is legislation limited to extending from July 1, 2026, to July 1, 2029, the sunset date for the Commission on School Construction and Modernization. This bill was referred from the House floor to the House Rules Committee.

VACo supports additional state resources and additional statewide funding options for localities for capital and school construction costs, including expanding dedicated local sales and use tax authority first given to select counties by the General Assembly in 2019 as well as continuing to fund the School Construction Grant Program and School

Construction Assistance Program. Funds from these latter two programs should be as accessible as possible.

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

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](#)