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The Honorable Abigail Spanberger
Attention: Policy Office (Bill Review)
Office of the Governor
Patrick Henry Building
1111 East Broad Street, 3rd Floor
Richmond, Virginia 23219

Re: House Bill 1279/Senate Bill 388 (Affordable housing; religious organizations and other nonprofit tax-exempt properties)

Dear Governor Spanberger,

On behalf of the Virginia Association of Counties (VACo), I urge you to veto House Bill 1279, patroned by Delegate Joshua Cole, and Senate Bill 388, patroned by Senator Jeremy McPike.

The legislation preempts local decision-making authority by permitting residential development, allowing up to 30 percent of ground-floor space for nonresidential uses, on property owned by tax-exempt religious and certain nonprofit organizations. It further requires local zoning ordinances to allow, by right, development at densities of up to 20 units per acre on such properties. In addition, the bills mandate that project review be conducted in accordance with general law and prohibit localities from requiring special exceptions, special or conditional use permits, rezonings, or any other discretionary approval processes.

VACo supports maintaining local decisions regarding the location and density of residential and mixed-use development and how such projects may fit within and benefit their community. The by-right development of residential and mixed-use development on any property, regardless of its location and access to adequate publicly funded facilities such as water, sewer, and roads, is inconsistent with the goals and objectives of sound land use policy and practice.

It is important to note that Virginia Code requires that all ... *zoning regulations shall be uniform for each class or kind of buildings and uses throughout each district* ([2-2282. Regulations to be uniform](#)). This legislation upends this longstanding legal land use principle by granting different rights to properties of the same zoning classification based on ownership.

Recognizing that the intent of these bills is to expand affordable housing—an objective that aligns with VACo's legislative priorities—we welcome the opportunity to collaborate with stakeholders to achieve this goal in a manner that reflects the needs and context of individual communities, particularly with respect to the public infrastructure required to support and enhance such development.

If you or your staff have any questions, please contact me at dlynch@vaco.org. We would also appreciate the opportunity to provide input should any amendments be considered.

Sincerely,

Dean Lynch

Copy: The Honorable Carrie H. Chenery, Secretary of Commerce and Trade

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