

2020 NEW LAWS PRESENTATION

DINWIDDIE COUNTY ATTORNEY'S OFFICE

AUGUST 4, 2020

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GUIDE TO SYMBOLS IN PRESENTATION

MUST

- The “MUST” symbol means that it is legally required to advisable that you adopt ordinance related to this matter or some other required action.

MAY

- The “MAY” symbol means that you may adopt an ordinance related to this matter.

INFO

- The “INFO” symbol means that this slide is included for informational purposes only, although many of these slides address laws with which you or the County must comply, either now or in the future.

SBI 49 COURTHOUSE AND COURTROOM SECURITY;ASSESSMENT.

DONE

- Increases from \$10 to \$20 the maximum amount a local governing body may assess against a convicted defendant as part of the costs in a criminal or traffic case in district or circuit court to fund courthouse and courtroom security.
- Approved on July 21, 2020, effective August 1, 2020.

HB 1 / SB 111 ABSENTEE VOTING; NO EXCUSE REQUIRED.

INFO

- Permits any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons under which a person may be entitled to vote by absentee ballot and removes references to those reasons from other sections of the Code.

HB207 ABSENTEE VOTING; NO EXCUSE; PERMANENT ABSENTEE VOTER LIST.

INFO

- The bill provides for a special application by which any registered voter may apply to receive absentee ballots for all elections in which he is eligible to vote. A voter on the permanent absentee voter list remains on the list until the voter requests in writing to be removed from the list, the voter's registration is canceled or placed on inactive status pursuant to law, or the voter moves to a different address not in the same county or city of his registration. The provisions of the bill providing for a permanent absentee voter list do not become effective until July 1, 2021.

HB238 /SB455 ABSENTEE VOTING; DEADLINE FOR RETURNING ABSENTEE BALLOT.

INFO

- Provides that any absentee ballot that is returned to the general registrar after the closing of the polls on election day but before noon on the third day after the election and postmarked on or before the date of the election shall be counted if the voter is found entitled to vote.

HB 220 ABSENTEE VOTING; POSTAGE PREPAID ON RETURN ENVELOPE

INFO

- Requires the envelope provided to an absentee voter for the return of the absentee ballot to include prepaid postage. The provisions of the bill do not become effective unless reenacted by the 2021 Session of the General Assembly.

SB316 ELECTIONS; DATE OF JUNE PRIMARY ELECTION.

INFO

- Changes the date of the primary election held in June from the second Tuesday in June to the third Tuesday in June. The bill also changes candidate filing deadlines to reflect the change of date. The provisions of the bill do not become effective unless reenacted by the 2021 Session of the General Assembly.

HB 1678 ELECTION DAY; EXTENDING POLLING HOURS FROM 7:00 P.M. TO 8:00 P.M.

INFO

- Extends from 7:00 p.m. to 8:00 p.m. the time at which polls close on election day. The bill aligns candidate filing deadlines and party nomination deadlines with the closing of polls. The bill provides that these changes will not become effective unless reenacted by the 2021 Session of the General Assembly.

SB 57 CAMPAIGN FINANCE REPORTS; ELECTRONIC FILING REQUIREMENT, LOCAL AND CONSTITUTIONAL OFFICES

INFO

- Requires candidates for local and constitutional offices to file campaign finance reports by computer or electronic means. Under current law, only candidates for local and constitutional offices in localities with a population exceeding 70,000 are required to file campaign finance reports electronically. The bill has a delayed effective date of January 1, 2021.

HB784/SB236 CONSTITUTIONAL AMENDMENT; APPORTIONMENT; VIRGINIA REDISTRICTING COMMISSION (VOTER REFERENDUM).

INFO

- Provides for a referendum at the November 3, 2020, election to approve or reject amendments to the Constitution of Virginia establishing the Virginia Redistricting Commission and providing for the reapportionment of the Commonwealth to be done by such Commission. If approved by the voters, the amendments would become effective on November 15, 2020.
- Would only apply to Congressional and General Assembly districts.

SB740 COUNTY AND CITY PRECINCTS; REQUIRED TO BE WHOLLY CONTAINED WITHIN ELECTION DISTRICT

INFO

- During redistricting, will require each local precinct to be wholly contained within a single Congressional, State Senate, House of Delegates, and Local Election District.
- Must apply to State Board of Elections for a waiver for a split precinct.
- This bill may make redistricting more difficult if Dinwiddie is divided into multiple Congressional, State Senate, or House of Delegates Districts in the redistricting next year.

HB 1103 RANKED CHOICE VOTING; ELECTIONS FOR LOCAL GOVERNING BODIES, LOCAL OPTION PILOT PROGRAM

MAY

- Provides that elections for local governing bodies may be conducted by ranked choice voting, which the bill defines as the method of casting and tabulating votes in which (i) voters rank candidates in order of preference, (ii) tabulation proceeds in rounds such that in each round either a candidate or candidates are elected or the last-place candidate is defeated, (iii) votes for voters' next-ranked candidates are transferred from elected or defeated candidates, and (iv) tabulation ends when the number of candidates elected equals the number of offices to be filled. The bill allows any local governing body to decide to conduct such election by ranked choice voting and requires any such decision to be made in consultation with the local electoral board and general registrar and by a majority vote of the governing body. The bill authorizes the State Board of Elections to promulgate regulations for the proper and efficient administration of elections determined by ranked choice voting. The bill provides that any costs incurred by the Department of Elections related to technological changes necessary for the implementation of ranked choice voting pursuant to the bill shall be charged to the localities exercising the option to proceed with ranked choice voting. The bill has a delayed effective date of July 1, 2021, and sunsets on July 1, 2031.

HB 1250 VIRGINIA COMMUNITY POLICING ACT; DATA COLLECTION AND REPORTING REQUIREMENT

INFO

- Prohibits law-enforcement officers and State Police officers from engaging in bias-based profiling, defined in the bill, in the performance of their official duties.
- The bill requires that each time a local law-enforcement officer or State Police officer stops a driver of a motor vehicle the officer collect demographic data based on the officer's observation or information provided to the officer by the driver, together with (i) the reason for the stop; (ii) the location of the stop; (iii) whether a warning, written citation, or summons was issued or whether any persons were arrested; (iv) if a warning, written citation, or summons was issued or an arrest was made, the warning provided, violation charged, or crime charged; and (v) whether the vehicle or any person was searched.

SB 138 VIRGINIA FREEDOM OF INFORMATION ACT; FOIA OFFICERS; TRAINING AND REPORTING REQUIREMENTS.

INFO

- Adds regional public bodies to the types of public bodies that must designate a FOIA officer. The bill also changes the frequency for required FOIA officer training from annually to once during each consecutive period of two calendar years and provides that the name and contact information of a FOIA officer trained by legal counsel of a public body only needs to be submitted by July 1 of the initial year of training and updated if there are changes to that information. Current law requires this information to be submitted by July 1 of each year

SBI 39 FREEDOM OF INFORMATION ADVISORY ACT; TRAINING REQUIREMENTS.

INFO

- Adds the option for in-person training sessions in addition to the current requirement of online training sessions for local elected officials provided by the Virginia Freedom of Information Advisory Council or a local government attorney. The bill also clarifies that "local elected officials" includes constitutional officers.
- BOS members need to receive this training by end of 2020.

SB977 LOCAL GOVERNING BODY MEETINGS; PUBLIC COMMENT.

INFO

- Requires a governing body to provide members of the general public with the opportunity for public comment during a regular meeting at least quarterly.

SB 941 LOCAL GOVERNMENT MEETINGS RESCHEDULED DUE TO WEATHER, ETC.

INFO

- Authorizes any political subdivision, board of zoning appeals, or local government board, commission, or authority, by resolution adopted at a regular meeting, to fix the day or days to which a regular meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. The bill requires that such findings be communicated to the members and the press as promptly as possible and that all hearings and other matters previously advertised be conducted at the continued meeting, and no further advertising is required.

HB791 COMPREHENSIVE HARM REDUCTION PLANS.

INFO

- Repeals the sunset on the authority of the Commissioner of Health to establish and operate local or regional comprehensive harm reduction programs that include the distribution of sterile hypodermic needles and syringes and the disposal of used hypodermic needles and syringes; allows a local health department or other organization that promotes scientifically proven methods of mitigating health risks associated with drug use and other high-risk behaviors to establish comprehensive harm reduction programs, if authorized by the Commissioner of Health; and eliminates the requirement that comprehensive harm reduction programs be located in communities for which data indicates an increase in or increased risk of transmission of HIV, viral hepatitis, or other blood-borne disease as a result of injection drug use.

HB395/ SB7 MINIMUM WAGE; INCREASES TO \$9.50 PER HOUR EFFECTIVE JANUARY 1, 2021

INFO

- Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$9.50 per hour effective May 1, 2021; to \$11.00 per hour effective January 1, 2022; to \$12.00 per hour effective January 1, 2023; to \$13.50 per hour effective January 1, 2025; and to \$15.00 per hour effective January 1, 2026. For January 1, 2027, and thereafter, the annual minimum wage shall be adjusted to reflect increases in the consumer price index. The measure provides that the increases scheduled for 2025 and 2026 will not become effective unless reenacted by the General Assembly prior to July 1, 2024. If such provisions are not reenacted prior to July 1, 2024, then the annual minimum wage will be adjusted to reflect increases in the consumer price index beginning January 1, 2025. The measure creates a training wage at 75 percent of the minimum wage for employees in on-the-job training programs lasting less than 90 days.

HB833/SB8 PUBLIC WORKS CONTRACTS; PREVAILING WAGE RATE; PENALTY.

MAY

- Allows a locality that has adopted an ordinance requiring the payment of prevailing wages, for public works to require payment of wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract for public works at the prevailing wage rate. There is a delayed effective date of May 1, 2021.

SB939 / HB582 LABOR AND EMPLOYMENT; COLLECTIVE BARGAINING; EMPLOYEES OF COUNTIES, CITIES AND TOWNS.

MAY

- Permits counties, cities, and towns to adopt local ordinances authorizing them to (i) recognize any labor union or other employee association as a bargaining agent of any public officers or employees, except for Constitutional officers and their employees, and including public school employees and (ii) collectively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter relating to them or their employment. The bill provides that prohibition against striking for public employees applies irrespective of any such local ordinance. There is a delayed effective date of May 1, 2021.

HB 1537 / SB 183 MEMORIALS FOR WAR VETERANS

MAY

- Provides that a locality may remove, relocate, contextualize, or cover any monument or memorial for war veterans on the locality's public property, not including a monument or memorial located in a publicly owned cemetery, regardless of when the monument or memorial was erected, and removes certain criminal and civil penalties. Current law makes it unlawful to disturb or interfere with such monuments or memorials or to prevent citizens from taking proper measures and exercising proper means for the protection, preservation, and care of such monuments or memorials.

HB 1537 / SB 183 MEMORIALS FOR WAR VETERANS. (CONT'D)

MAY

- Prior to removing, relocating, contextualizing, or covering any such publicly owned monument or memorial, the local governing body shall publish notice of such intent in a newspaper having general circulation in the locality. The notice shall specify the time and place of a public hearing at which interested persons may present their views, not less than 30 days after publication of the notice. After the completion of the hearing, the governing body may vote whether to remove, relocate, contextualize, or cover the monument or memorial.

HBI 537 / SBI 83 MEMORIALS FOR WAR VETERANS (CONT'D)

MAY

- If the governing body votes to remove, relocate, contextualize, or cover the monument or memorial, the local governing body shall first, for a period of 30 days, offer the monument or memorial for relocation and placement to any museum, historical society, government, or military battlefield. The local governing body shall have sole authority to determine the final disposition of the monument or memorial. The bill authorizes the local governing body to call for an advisory referendum prior to voting on such motion. The bill also provides that the Board of Historic Resources shall promulgate regulations governing the manner in which any monument or memorial may be contextualized.

HB452 / SB650 VIRGINIA PUBLIC PROCUREMENT ACT; SMALL PURCHASES.

INFO

- Increases from \$100,000 to \$200,000 the small purchases exemption under the Virginia Public Procurement Act for single or term contracts for goods and services other than professional services and non-transportation related construction. The bill also removes outdated provisions related to informal solicitations required to be posted on the Department of General Services' central electronic procurement website.

HB 1049 DISCRIMINATION; SEXUAL ORIENTATION AND GENDER IDENTITY

INFO

- Prohibits discrimination in employment, public accommodation, public contracting, apprenticeship programs, housing, banking, and insurance on the basis of sexual orientation or gender identity. The bill also adds discrimination based on sexual orientation or gender identity to the list of unlawful discriminatory housing practices. The bill contains technical amendments.

HB696 LOCAL HUMAN RIGHTS ORDINANCES; SEXUAL ORIENTATION AND GENDER IDENTITY.

MAY

- Provides that localities may prohibit discrimination in housing, employment, public accommodations, credit, and education on the basis of sexual orientation and gender identity

SB 868 DISCRIMINATION; PROHIBITED IN PUBLIC ACCOMODATIONS, ETC., CAUSES OF ACTION

INFO

- The bill prohibits discrimination in public and private employment on the basis of sexual orientation and gender identity. The bill also codifies for state and local government employment the current prohibitions on discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran. Additionally, the bill (a) prohibits discrimination in public accommodations on the basis of sexual orientation, gender identity, or status as a veteran; (b) prohibits discrimination in credit on the basis of sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, disability, and status as a veteran; and (c) adds discrimination on the basis of an individual's sexual orientation, gender identity, or status as a veteran as an unlawful housing practice.

HB 757 PUBLIC EMPLOYMENT; LIMITATIONS ON INQUIRIES BY STATE AGENCIES AND LOCALITIES REGARDING ARRESTS

INFO

- Prohibits state agencies and localities from including on any employment application a question inquiring whether the prospective employee has ever been arrested for, charged with, or convicted of any crime. The bill prohibits asking a prospective employee if he has ever been arrested or charged with or convicted of any crime unless the inquiry takes place during or after a staff interview of the prospective employee. The prohibition does not apply to applications for employment with law-enforcement agencies or positions related to law-enforcement agencies. The prohibition also does not apply to applications for state agency positions designated as sensitive or to state agencies that are expressly permitted to inquire into an individual's criminal arrests or charges for employment purposes pursuant to any provision of federal or state law. For localities, the prohibition also does not apply to positions for employment by the local school board.

HB 438 WORKERS' COMPENSATION; POST-TRAUMATIC STRESS DISORDER, LAW-ENFORCEMENT OFFICERS AND FIREFIGHTERS

INFO

- Provides that post-traumatic stress disorder incurred by a law-enforcement officer or firefighter is compensable under the Virginia Workers' Compensation Act if a mental health professional examines a law-enforcement officer or firefighter and diagnoses the individual as suffering from post-traumatic stress disorder as a result of the individual's undergoing a qualifying event. The measure also establishes requirements for resilience and self-care technique training.

HB 783/SB 9 WORKERS' COMPENSATION; PRESUMPTION OF COMPENSABILITY

INFO

- Adds cancers of the colon, brain, or testes to the list of cancers that are presumed to be an occupational disease covered by the Virginia Workers' Compensation Act when firefighters or certain employees develop the cancer. The presumption shall not apply for any individual who was diagnosed with one of the conditions before July 1, 2020. The measure removes the compensability requirement that the employee who develops cancer had contact with a toxic substance encountered in the line of duty. The bill also reduces the number of years of service needed to qualify for the presumption from 12 to 5 for various types of cancer. For hypertension or heart disease, the bill adds a requirement that an individual complete 5 years of service in their position in order to qualify.

HB757 PUBLIC EMPLOYMENT; LIMITATIONS ON INQUIRIES BY STATE AGENCIES AND LOCALITIES REGARDING ARRESTS.

INFO

- Amends the Code of Virginia by prohibiting state agencies and localities from including on any employment application a question inquiring whether the prospective employee has ever been arrested for, charged with, or convicted of any crime (with exceptions). The bill prohibits asking a prospective employee if he has ever been arrested or charged with or convicted of any crime unless the inquiry takes place during or after a staff interview of the prospective employee. The prohibition does not apply to applications for employment with law enforcement agencies or positions related to law-enforcement agencies. The prohibition also does not apply to applications for state agency positions designated as sensitive or to state agencies that are expressly permitted to inquire into an individual's criminal arrests or charges for employment purposes pursuant to any provision of federal or state law. For localities, the prohibition also does not apply to positions for employment by the local school board.

SB 2 MARIJUANA; DEFINITIONS, POSSESSION AND CONSUMPTION, CIVIL PENALTIES, REPORT

INFO

- Decriminalizes simple marijuana possession.
- The bill also (i) makes records relating to the arrest, criminal charge, or conviction of possession of marijuana not open to public inspection and disclosure, except in certain circumstances; (ii) prohibits employers and educational institutions from requiring an applicant for employment or admission to disclose information related to such arrest, criminal charge, or conviction; and (iii) prohibits agencies, officials, and employees of the state and local governments from requiring an applicant for a license, permit, registration, or governmental service to disclose information concerning such arrest, criminal charge, or conviction.

SB35/ HB421 CONTROL OF FIREARMS BY LOCALITIES; PERMITTED EVENTS.

MAY

- Authorizes any locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in (i) any building, or part thereof, owned or used by such locality for governmental purposes; (ii) any public park owned or operated by the locality; (iii) any recreation or community center facility; or (iv) any public street, road, alley, sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. Provisions limiting the authority of localities and state governmental entities to bring lawsuits against certain firearms manufacturers and others are also repealed. The bill also provides that any firearm received by the locality pursuant to a gun buy-back program shall be destroyed by the locality unless the person surrendering such firearm requests in writing that such surrendered firearm be sold.

HB881 / SB971 ILLEGAL GAMBLING; SKILL GAMES; EXCEPTION.

INFO

- Includes the playing or offering for play of any skill game in the definition of "illegal gambling." The bill also includes skill games within the definition of "gambling devices." The bill defines a "skill game" as an electronic, computerized, or mechanical contrivance, terminal, machine, or other device that requires the insertion of a coin, currency, ticket, token, or similar object to operate, activate, or play a game, the outcome of which is determined by any element of skill of the player and that may deliver or entitle the person playing or operating the device to receive cash; cash equivalents, gift cards, vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash; merchandise; or anything of value whether the payoff is made automatically from the device or manually. The bill exempts family entertainment centers from the prohibition against the playing or offering of any skill game, provided the prize won or distributed to a player by the skill games offered by such centers is a noncash, merchandise prize or a voucher, billet, ticket, token, or electronic credit redeemable only for a noncash, merchandise prize that also meets certain other requirements. The provisions related to the prohibition of skill games have a delayed effective date of July 1, 2021.

HB881 / SB971 ILLEGAL GAMBLING; SKILL GAMES; EXCEPTION. (CONT)

INFO

- The bill provides for a one-year phase-out of currently existing skill games. Each distributor, defined as a person who distributes skill games to Virginia Alcoholic Beverage Control Authority (ABC) licensees and truck stops, would pay a monthly tax of \$1,200 for each skill game provided for play during the previous month. Revenues would accrue two percent to the Problem Gambling Treatment and Support Fund, two percent to the ABC for administering the bill's provisions, 12 percent to localities in which the skill games are located, and 84 percent to the COVID-19 Relief Fund, created by the bill. The COVID-19 Relief Fund would be used by the Governor solely for the purposes of responding to the Commonwealth's needs related to the Coronavirus Disease of 2019 pandemic. Distributors would be required to report monthly to the ABC the number of skill games provided for play. Distributors would be prohibited from increasing the number of machines above the number provided for play as of July 1, 2020 and would be prohibited from operating new skill games. Distributors would be subject to a civil penalty of up to \$50,000 for violations the provisions of the bill. The remaining provisions of the bill, which prohibit skill games, would become effective on July 1, 2021.

SB384 SPORTS BETTING; PROBLEM GAMBLING TREATMENT AND SUPPORT FUND; PENALTIES.

INFO

- Directs the Virginia Lottery (the Lottery) to regulate sports betting. The bill prohibits the Lottery from issuing any permits to conduct sports betting until it has developed and published a consumer protection bill of rights.

HB 1280 ELECTRIC UTILITIES; BROADBAND CAPACITY

INFO

- Authorizes an electric utility to lease to any third party that is a wholesaler and that is not a government-owned broadband authority, for the purposes of providing broadband connectivity. The leases may extend in length beyond the end of the pilot program under which the utility provides broadband capacity to nongovernmental Internet service providers in areas of the Commonwealth unserved by broadband.

HB 831 UTILITY EASEMENTS; LOCATION OF BROADBAND AND OTHER COMMUNICATION FACILITIES

INFO

- This bill is designed to make it easier for electric utilities to be used for broadband access.
- Unless expressly prohibited in an easement, an easement may be used for broadband.
- Subject to express written provisions of an easement, utilities may use existing easements for broadband access without paying additional compensation.

HB 106 NUMBERING ON BUILDINGS; CIVIL PENALTY.

MAY

- Provides that an ordinance that requires buildings to have visible numbering may include provisions for a civil penalty not to exceed \$100 for a violation that has not been corrected within 15 days of notice of such violation. Civil penalties assessed under this provision shall be paid into the treasury of the locality where the violation occurred.

HB284 / SB225 REMOVAL OF DANGEROUS ROADSIDE CONDITIONS; LOCAL OPTION.

MAY

- Authorizes any locality, by ordinance, to require the owner of any property located adjacent to a public right-of-way to remove any and all trees, tree limbs, shrubs, high grass, or other substance that might dangerously obstruct the line of sight of a driver, be involved in a collision with a vehicle, or interfere with the safe operation of a vehicle. It may also authorize the locality to remove the obstruction after appropriate notice.

HB 1688 CEMETERIES; GRASS CUTTING ON LAND USED FOR INTERMENT OF HUMAN REMAINS

MUST

- Exempts land used for the interment of human remains owned by an individual, family, property owners' association, or church from a local ordinance requiring certain owners of property to cut the grass, weeds, and other foreign growth on such property.

HBI 101/ SB834 AFFORDABLE HOUSING; CERTAIN LOCALITIES ALLOWED TO ADOPT DWELLING UNIT ORDINANCES.

MAY

- Allows certain localities to adopt affordable housing dwelling unit ordinances. The governing body of any locality, other than localities to which certain current affordable housing provisions apply, may by amendment to the zoning ordinances of such locality provide for an affordable housing dwelling unit program. Such program shall address housing needs, promote a full range of housing choices, and encourage the construction and continued existence of housing affordable to low-and-moderate-income citizens by providing for increases in density to the applicant in exchange for the applicant's voluntarily electing to provide such affordable housing.

HBI 101/ SB834 AFFORDABLE HOUSING; CERTAIN LOCALITIES ALLOWED TO ADOPT DWELLING UNIT ORDINANCES (CONT'D).

MAY

- Any local ordinance may authorize the governing body to (i) establish qualifying jurisdiction-wide affordable dwelling unit sales prices based on local market conditions, (ii) establish jurisdiction-wide affordable dwelling unit qualifying income guidelines, and (iii) offer incentives other than density increases, such as reductions or waiver of permit, development, and infrastructure fees, as the governing body deems appropriate to encourage the provision of affordable housing. Any zoning ordinance establishing such affordable housing dwelling unit program shall adopt the regulations and provisions set out in the bill to establish an affordable housing density bonus and development standards relief program.

SB360 INSTALLATION OF CERTAIN FACILITIES BY DEVELOPER; REIMBURSEMENT.

MAY

- Allows a locality to adopt an ordinance to address the installation of reasonable and necessary sewerage and water facilities located on or outside the property limits of the land owned or controlled by the developer or subdivider that is necessitated or required, at least in part, by the utility needs of the development or subdivision, including reasonably anticipated capacity, extensions, or maintenance considerations of a utility service plan for the service area. Such developer or subdivider shall be entitled to reimbursement of its costs, including a new mechanism for connection fee reimbursement, by any subsequent developer or subdivider that utilizes the installed sewerage or water facility, except for those costs associated with the installing developer's pro rata share. The bill provides authority, at the developer's option, for reimbursement for the water and sewer facility in exchange for entitlement to water or sewer connection or capacity fees otherwise due to the locality imposed upon the developer's lots within its development or subdivision.

HB 554 ZONING; WIRELESS COMMUNICATIONS INFRASTRUCTURE

MAY

- Authorizes a locality to disapprove an application submitted for an administrative review-eligible project or for any zoning approval required for a standard process project that proposes to locate a new structure, or to co-locate a wireless facility, in an area where all cable and public utility facilities are required to be placed underground by a date certain or encouraged to be undergrounded as part of a transportation improvement project or rezoning proceeding as set forth in objectives contained in a comprehensive plan, on grounds that an applicant has not given written notice to adjacent landowners at least 15 days before it applies to locate a new structure in the area.

HB998 FLOOD PLAIN; ADOPTION OF ORDINANCES.

MAY

- Provides that any locality may by ordinance regulate the activity on, use of, or development of a flood plain in a manner consistent with any state or federal flood plain management programs and requirements.

HB655/ SB870 SPECIAL EXCEPTION FOR SOLAR PHOTOVOLTAIC PROJECTS.

MAY

- Authorizes a locality to include reasonable regulations and provisions in its zoning ordinance for a special exception for any solar photovoltaic (electric energy) project. The bill authorizes the governing body of such locality to grant a condition that includes (i) dedication of real property of substantial value or (ii) substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the granting of a conditional use permit, so long as such proffered conditions are reasonably related to the project.

HB656/ SB875 SOLAR ENERGY PROJECTS; NATIONAL STANDARDS.

MAY

- Authorizes a locality to include in its zoning ordinance provisions to incorporate generally accepted national standards for the use of solar panels and battery technologies for solar photovoltaic (electric energy) projects.

HB657 COMPREHENSIVE PLAN; SOLAR FACILITIES REVIEW.

MAY

- Allows a locality to waive the requirement that it be reviewed for substantial accord with a locality's comprehensive plan.

HBI 131 / SB762 SOLAR ENERGY PROJECTS; REVENUE SHARE ASSESSMENT.

MAY

- Authorizes any locality by ordinance to assess a revenue share of up to \$1,400 per megawatt on any solar photovoltaic (electric energy) project with certain exceptions and expands an existing tax exemption for such projects under certain conditions. The bill authorizes such revenue share to apply to existing projects only if certain conditions are met.

HB 1675 SOLAR ENERGY FACILITIES; SITING AGREEMENT WITH HOST LOCALITY.

INFO

- Requires any applicant seeking to locate a commercial solar photovoltaic (electric energy) generation or storage facility, or any portion thereof, on any census tract meeting the eligibility requirements for an opportunity zone as designated by the federal Internal Revenue Service to execute a siting agreement with the host locality in which the census tract is located, prior to the issuance of a permit by rule or certificate of public need. The bill grants localities various powers in executing such siting agreement and contains certain requirements for the agreement provisions. The bill does not apply to any solar photovoltaic (electric energy) generation or storage facility that has received zoning or site plan approval, preliminary or otherwise, from the host locality on or before January 1, 2020.

HBI 434 / SB763 LOCAL TAX EXEMPTION; SOLAR ENERGY EQUIPMENT.

INFO

- Changes the local property tax exemption for solar energy projects from an 80 percent exemption for the life of the project to a step down scale of an 80 percent exemption in the first five years, 70 percent in the second five years, and 60 percent for all remaining years in service. The change applies to solar energy projects that are either (i) projects greater than 20 megawatts and less than 150 megawatts for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization after January 1, 2015, and first in service on or after January 1, 2017, and (ii) projects equaling more than five megawatts and less than 150 megawatts for which an initial interconnection request form has been filed on or after January 1, 2019. The bill extends the sunset date after which new projects may not qualify for the exemption from January 1, 2024 to July 1, 2030.

HB534/ SBI I DISPOSABLE PLASTIC BAG; LOCAL TAX.

MAY

- Authorizes cities and counties to impose a 5-cents tax on certain disposable plastic bags beginning January 1, 2021. Although the money will be collected by the Virginia Department of Taxation, the funds will be sent to the localities where the tax is in effect for purposes of environmental cleanup, providing education programs designed to reduce environmental waste, mitigating pollution and litter, or providing reusable bags to recipients of Supplemental Nutrition Assistance Program (SNAP) or Women, Infants, and Children Program (WIC) benefits.

HB785 / SB588 LOCAL TAXING AUTHORITY.

MAY

- May impose local cigarette tax of up to 40 cents per pack, effective July 1, 2021.
- Allows admissions tax of up to 10%. Current rate in Dinwiddie is 4%.
- Eliminates 5% cap on transient occupancy tax, effective May 1, 2021. Current rate in Dinwiddie is 5%.
- Food tax may be increased to 6% without a referendum. Currently, food tax is 4% in Dinwiddie.

HB 1268 PERSONAL PROPERTY TAX EXEMPTION FOR MOTOR VEHICLE OF A DISABLED VETERAN

INFO

- Provides for a referendum at the November 3, 2020, election to approve or reject a personal property tax exemption for a motor vehicle that is owned and used primarily by or for a veteran of the armed forces of the United States or the Virginia National Guard who has a one hundred percent service-connected, permanent, and total disability.

HB 1597 GO VIRGINIA GRANTS; MATCHING FUNDS

INFO

- Allows a locality to use funds awarded from the Tobacco Region Revitalization Commission as matching funds for a GO Virginia grant award. No other state funds are authorized to be used as a source of matching funds. The provisions of the bill sunset on July 1, 2021.

HB 760 ANNUAL LOCAL AUDIT; ENFORCEMENT MECHANISM, CIVIL PENALTY

INFO

- Provides an enforcement mechanism if a locality that is late in completing its required audit fails to give proper notification of the delayed audit. Such enforcement may include a writ of mandamus and a civil penalty of between \$500 and \$2,000.

HB 406 LOCAL GOVERNMENT REVENUES AND EXPENDITURES; COMPARATIVE REPORT, FILING DATE

INFO

- Changes the annual deadline for local submittal of the comparative report of local government revenues and expenditures to the Auditor of Public Accounts from November 30 to December 15 and the annual deadline for the statement of the Auditor of Public Accounts showing in detail the total and per capita revenues and expenditures of all localities for the preceding fiscal year from January 31 to February 15.

QUESTIONS?

