

# New Laws Presentation

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Dinwiddie County Attorney's Office

July 2021

Presenter:

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# Guide to symbols in Presentation

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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.

# New Laws Presentation Topic Coverage

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## June

Elections  
Environment/Agriculture/Water  
FOIA/Transparency  
Health and Human Services  
Labor and Employment  
Procurement  
Telecommunications/Utilities

## July

Illegal Gambling  
Land Use/Economic Development  
Public Safety  
Solar/Energy  
Taxation and Finance  
Transportation/Vehicles

## **HB2168/SB1465 Illegal gambling; skill games; civil penalty; enforcement by localities and Attorney General.**

INFO

- Provides that any person who conducts, finances, manages, supervises, directs, or owns a gambling device that is located in an unregulated location is subject to a civil penalty of up to \$25,000.
- The bill provides that the Attorney General, an attorney for the Commonwealth, or the attorney for any locality may cause an action in equity to be brought in the name of the Commonwealth or of the locality, as applicable, to enjoin the operation of a gambling device in violation of this section and may request attachment against all such devices and any moneys within such devices.
- The bill provides that any civil penalties brought in the name of the Commonwealth shall be paid into the Literary Fund and that any civil penalties brought in the name of a locality shall be paid into the general fund of the locality.

# HB1778 Removal of clutter from property; civil penalty.

MAY

- Provides that a locality may by ordinance require the removal of clutter from property, except on land zoned for or in active farming operation, or may, whenever the governing body deems it necessary, after reasonable notice, have such clutter removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected.

# HB1778 Removal of clutter from property; civil penalty.

MAY

- The bill defines "clutter" as including mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of a community when they are left in public view for an extended period or are allowed to accumulate.
- Violations of the bill are subject to the existing civil penalty applicable to violations of provisions relating to the removal of trash, garbage, refuse, litter, and similar substances from property.

# HB1969 Administration of blighted and derelict properties in certain localities.

MAY

- Modifies the definition of "qualifying locality" to include any locality with a score of 100 or higher on the fiscal stress index, as published by the Department of Housing and Community Development in July 2020.
- Under current law, a qualifying locality is one with a score of 107 or higher on the fiscal stress index, as published by the Department using revised data for 2017.

# HB1969 Administration of blighted and derelict properties in certain localities.

MAY

- Qualifying localities are able to (i) classify blighted and derelict properties as a separate class of taxable property and assess such property at a higher rate and (ii) sell delinquent tax lands six months after the locality has incurred abatement costs for buildings that have been condemned, constitute a nuisance, are a derelict building, or are declared to be blighted.
- The bill adds qualifying localities to the list of localities that have different requirements for having a special commissioner appointed to convey tax-delinquent real estate to the locality in lieu of a public sale at auction.

# HB2046 Virginia Fair Housing Law; unlawful discriminatory housing practices.

INFO

- Prohibits any locality, its employees, or its appointed commissions from discriminating:
- (i) in the application of local land use ordinances or guidelines, or in the permitting of housing developments, on the basis of race, color, religion, national origin, sex, elderliness, familial status, source of funds, sexual orientation, gender identity, military status, or disability;
- (ii) in the permitting of housing developments because the housing development contains or is expected to contain affordable housing units occupied or intended for occupancy by families or individuals with incomes at or below 80 percent of the median income of the area where the housing development is located or is proposed to be located; or

# HB2046 Virginia Fair Housing Law; unlawful discriminatory housing practices.

INFO

- Prohibits any locality, its employees, or its appointed commissions from discriminating:
- (iii) by prohibiting or imposing conditions upon the rental or sale of dwelling units, provided that the provisions of this subsection shall not be construed to prohibit ordinances related to short-term rentals. The bill provides that it shall not be a violation of the Virginia Fair Housing Law if land use decisions or decisions relating to the permitting of housing developments are based upon considerations of limiting high concentrations of affordable housing. The bill also requires the Fair Housing Board, after determining the existence of an unlawful discriminatory housing practice and after consultation with the Attorney General, to immediately refer the matter to the Attorney General for civil action.

# HB2046 Virginia Fair Housing Law; unlawful discriminatory housing practices.

INFO

- The bill provides that it shall not be a violation of the Virginia Fair Housing Law if land use decisions or decisions relating to the permitting of housing developments are based upon considerations of limiting high concentrations of affordable housing. The bill also requires the Fair Housing Board, after determining the existence of an unlawful discriminatory housing practice and after consultation with the Attorney General, to immediately refer the matter to the Attorney General for civil action.

## **SB1298 Tourism improvement districts.**

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MAY

- Authorizes any locality to create a local tourism improvement district plan, consisting of fees charged to businesses and used to fund tourism promotion activities and capital improvements. Under the bill, the locality is authorized to contract with a nonprofit entity to administer the activities and improvements.

# SB5030 Policing reform.

INFO

- Provides that no state or local law-enforcement agency shall acquire or purchase (i) weaponized unmanned aerial vehicles; (ii) aircraft that are configured for combat or are combat-coded and have no established commercial flight application; (iii) grenades or similar explosives or grenade launchers from a surplus program operated by the federal government; (iv) armored multi-wheeled vehicles that are mine-resistant, ambush-protected, and configured for combat from a surplus program operated by the federal government; (v) bayonets; (vi) firearms of .50 caliber or higher; (vii) ammunition of .50 caliber or higher; or (viii) weaponized tracked armored vehicles. These provisions do not apply to the Virginia National Guard or Virginia Defense Force.

# SB5030 Policing reform.

INFO

- The bill prohibits the use of such military property by a law-enforcement officer unless a waiver has been granted by the Criminal Justice Services Board. The bill prohibits the use of kinetic impact munitions unless their use is necessary to protect a law-enforcement officer or another person from bodily injury. "Kinetic impact munitions" includes impact rounds and baton rounds, such as rubber batons, bean bag rounds, foam baton rounds, and plastic, wax, wood, or rubber-coated projectiles. The bill directs the Department of Criminal Justice Services (the Department) to establish training standards for law enforcement on the use of kinetic impact munitions and tear gas. The bill directs the Department to adopt emergency regulations to implement the provisions of the bill.

## **HB2085 Emergency Services and Disaster Law; local and interjurisdictional emergency operations plans.**

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**MUST**

- Requires local and interjurisdictional agencies to include provisions in their emergency operations plans to ensure that such plans are applied equitably and that the needs of minority and vulnerable communities are met during emergencies.

## SB1208 Continuity of government.

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INFO

- Extends from six to 12 months the period of time after an enemy attack or other disaster that a locality may, by ordinance, provide for a method to assure continuity in its government and requires the ordinance to provide a method for the locality to resume normal governmental authority by the end of that 12-month period.

# HB1859 Local financing of clean energy and other programs; when owner costs are incurred.

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MAY

- Changes the parameters for local ordinances authorizing loan contracts for the installation by property owners of clean energy, resiliency, or stormwater management improvements. The bill provides that if the property owner incurred the costs of improvements to be refinanced or reimbursed within two years of the locality's issuance of a certificate of occupancy or other evidence that the clean energy, resiliency, or stormwater management improvements comply substantially with the plans and specifications previously approved by the locality, the loan amount may include the total costs of such improvements.

# HB1859 Local financing of clean energy and other programs; when owner costs are incurred.

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MAY

- Removes the requirement that the applicable local ordinance include the proposed interest rate for the loan program and the maximum aggregate dollar amount that may be financed with respect to a property, and provides that no loan offered under the program shall be used to improve a residential dwelling with fewer than five dwelling units or a residential condominium. Alters the fee options available to the locality and provides that the placement of a voluntary special assessment lien does not require a new assessment on the value of the real property

# HB1919 Local green banks.

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MAY

- Authorizes a locality, by ordinance, to establish a green bank to promote the investment in clean energy technologies in its locality and provide financing for clean energy technologies, defined in the bill.
- The bill establishes certain powers and functions of a green bank, including developing rules and procedures, financing and providing loans for clean energy projects, and stimulating demand for renewable energy.

# HB1919 Local green banks.

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MAY

- Requires the green bank to be a public entity, quasipublic entity, depository bank, or nonprofit entity and requires the locality to hold a hearing and publish notice of the hearing in a newspaper of general circulation prior to establishing the green bank.

# HB2006/SB1201 Tax exemptions for energy storage systems.

INFO

- Declares that energy storage systems are included in the definition of certified pollution control equipment and facilities, making energy storage systems exempt from state and local taxation. The bill defines "energy storage system" as equipment, facilities, or devices that are capable of absorbing energy, storing it for a period of time, and redelivering that energy after it has been stored. The tax exemption applies only to certain projects with alternating current (AC) storage capacity of more than five megawatts and less than 150 megawatts.

# HB2006/SB1201 Tax exemptions for energy storage systems.

INFO

- The bill also allows localities to assess a revenue share of up to \$1400 per megawatt on energy storage systems. The bill provides that on July 1, 2026, and every five years thereafter, the maximum amount of the revenue share that a locality may impose on energy storage systems as well as certain solar energy projects shall be increased by 10 percent. No increase may be made to any revenue share imposed by a locality on a solar energy project or energy storage systems for which an application has been filed with the locality and such application has been approved prior to January 1, 2021. Defines energy storage systems as electric suppliers whose property shall be assessed by the State Corporation Commission.

# HB2269 Revenue share for solar energy projects and energy storage systems.

MAY

- Allows localities to assess a revenue share of up to \$1,400 per megawatt on energy storage systems. The bill provides that on July 1, 2026, and every five years thereafter, the maximum amount of the revenue share that a locality may impose on certain solar energy projects and energy storage systems shall be increased by 10 percent. No increase may be made to any revenue share imposed by a locality on a solar energy project or energy storage systems for which an application has been filed with the locality and such application has been approved prior to January 1, 2021.

# HB2201/ SB1207 Solar and energy storage projects; sitting agreements throughout the Commonwealth.

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MAY

- Expands existing provisions related to sitting agreements for solar projects located in an opportunity zone to include energy storage projects and makes the provisions statewide. Provides that bills provisions shall not apply to any energy storage project that has received zoning and site plan approval, preliminary or otherwise, from the host locality before January 1, 2021.

# HB2201/ SB1207 Solar and energy storage projects; siting agreements throughout the Commonwealth.

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MAY

- Provides that provisions of the bill shall not become effective with respect to energy storage projects unless the General Assembly approves legislation that authorizes localities to adopt an ordinance for taxation of energy storage projects such as solar projects with a local option for machinery and tools tax or solar revenue share.
- The bill further provides that a locality may grant a special exception for an energy storage project.

# SB1258 Solar projects; erosion and sediment control plan review.

INFO

- Requires any locality that does not operate a regulated MS4 and for which the Department did not administer a VSMP as of July 1, 2020, to notify the Department of Environmental Quality (the Department) if it decides to have the Department provide the locality with (i) review of a required erosion and sediment control plan and (ii) a recommendation on the plan's compliance with the requirements of the Erosion and Sediment Control Law and the State Water Control Board's regulations, for any solar project and its associated infrastructure with a rated electrical generation capacity exceeding five megawatts.
- The provisions of the bill are contingent on funding in a general appropriation act.

# HB1963 Cooperative local health budget; report.

INFO

- Provides that funding for local health departments shall consist of such state funds as may be allocated for the operation of the local health department together with local matching funds and estimated self-generated local service revenues, the total amount of which shall constitute the cooperative local health budget available to a local department of health, and that the amount of local matching funds for which a county or city is responsible shall be based on the county's or city's revenue generation capacity factor, as defined in the bill; in no case, however, shall the amount of local matching funds required be greater than 45 percent or less than 18 percent of the total amount of the cooperative local health budget for the local health department that serves the county or city, after deducting estimated self-generated local service revenues.

# HB1963 Cooperative local health budget; report.

INFO

- Directs the Department of Health to biennially review the local matching fund amount for each county and city, determine whether such amount should be revised as a result of changes to the county's or city's revenue generation capacity, and report the results of such review and any recommendations for changes to a county's or city's local matching fund amount to the Governor and the General Assembly.
- We understand that this bill is fiscally advantageous for Dinwiddie.

# SB1326 Local cigarette taxes; regional cigarette tax boards.

INFO

- States that it is the policy of the Commonwealth, where practical, to encourage local cigarette stamping and tax collection to be accomplished through regional cigarette tax boards, defined in the bill.
- Directs the Department of Taxation to establish a task force to develop methods for modernizing the local cigarette tax collection system and provide assistance to localities seeking to form new regional cigarette tax boards.

# HB1903 Local government authority; reduction of speed limits.

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MAY

- Authorizes local governing bodies to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, in a business district or residence district.

# HB2318 Test driving vehicles; residence districts; civil penalty.

MAY

- Authorizes localities by ordinance to require motor vehicle dealers in the locality to notify a buyer or potential buyer that test driving a motor vehicle in a residence district that has been designated for increased fines is prohibited, unless the buyer or potential driver is driving to or from his residence.

# HB2318 Test driving vehicles; residence districts; civil penalty.

MAY

- Requires the locality to notify licensed motor vehicle dealers located within the locality of the enactment of such ordinance and send a copy of such notification to the Motor Vehicle Dealer Board. Authorizes the locality to notify the Board if a buyer or potential buyer is convicted of a traffic infraction while conducting a test drive in a prohibited location.
- Provides that the Board may determine if the proper notice was given and impose a civil penalty if such notice was not given.

# Questions?

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