

NEW LAWS PRESENTATION

DINWIDDIE COUNTY ATTORNEY'S OFFICE

JUNE 21, 2022

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CREDIT: VACO LEGISLATIVE UPDATE



GUIDE TO SYMBOLS IN PRESENTATION

MUST

- The “MUST” symbol means that it is legally required OR advisable that you adopt an ordinance related to this matter or take 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. We are still evaluating whether ordinances are required for some of these items.

PLANNING AND COMMUNITY DEVELOPMENT

- Cemeteries
- Subdivisions
- Economic Development Sites
- Utilities



HB 961 CEMETERIES; REGISTRATION, PUBLICATION PRIOR TO SALE.

INFO/
MAY

- Expands provisions that allow localities to adopt an ordinance setting forth a register of identified cemeteries, graveyards, or other places of burial located on private property not belonging to any memorial or monumental association by providing that such localities shall publish a notice prior to the public sale of any publicly owned property that contains a known cemetery, graveyard, or other place of burial, or as soon thereafter as possible. The notice shall specify that a cemetery is present on the property. If the property falls under an exception provided for significant historic and archeological sites that would be jeopardized by public disclosure of their location, then no such notice is required.

HB 615. SALE OF CEMETERIES OWNED BY A LOCALITY; NOTICE TO DESCENDANTS

INFO

- Adds § 57-35.37 to the Code of Virginia to provide that no cemetery owned by a county or city shall be sold to a private owner unless the county or city has made a good faith effort to ensure, prior to sale, that the ownership of such cemetery is vested in the estate of the last owner of record or that permission for the sale has been granted by the family members or descendants of such owner.



HB 1088 PLANNING; DEFINITION OF SUBDIVISION, BOUNDARY LINE AGREEMENT.

INFO

- Amends § 15.2-2201 of the Code of Virginia to change the definition of “subdivision” to provide that it does not preclude different owners of adjacent parcels from entering into a valid and enforceable boundary line agreement with one another so long as such agreement is only used to resolve a bona fide property line dispute, the boundary adjustment does not move by more than 250 feet from the center of the current platted line or alter either parcel’s resultant acreage by more than five percent of the smaller parcel size, and such agreement does not create an additional lot, alter the existing boundary lines of localities, result in greater street frontage, or interfere with a recorded easement, and such agreement shall not result in any nonconformity with local ordinances and health department regulations.

SB 28 VIRGINIA BUSINESS READY SITES PROGRAM FUND; CREATED.

INFO

- Establishes the Virginia Business Ready Sites Program Fund, to be administered by the Governor and the Virginia Economic Development Partnership Authority in order to provide grants on a competitive basis to political subdivisions to prepare sites for industrial or commercial development.
- The bill also authorizes grants from the Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund for site remediation and requires the prioritization of sites with potential for redevelopment and economic benefits to the surrounding community.



SB 52 UTILITIES, CERTAIN; PRO RATA REIMBURSEMENTS FOR INSTALLATION.

INFO

- Amends § 15.2-2243 of the Code of Virginia to require localities that adopt subdivision ordinances that permit subdividers or developers to install certain utilities to provide within that ordinance the subdivider's or developer's entitlement to pro rata reimbursement for costs of such installations. Under current law, localities are permitted to provide such entitlement but are not required to do so.

AGRICULTURE AND ENVIRONMENT

- SOLAR PROJECTS
- ENVIRONMENTAL
- AGRITOURISM



HB 206 SMALL RENEWABLE ENERGY PROJECTS; IMPACT ON NATURAL RESOURCES, REPORT.

INFO

- Amends § 10.1-1197.6 of the Code of Virginia to require, as a condition for a permit by rule for a small energy project, that if the Department of Environmental Quality determines that there will be a significant adverse impact on wildlife, historic resources, prime agricultural soils, or forest lands, the applicant must also submit a mitigation plan with a 45-day public comment period. The bill specifies that a disturbance of (i) more than 10 acres of prime agricultural soils, (ii) more than 50 acres of contiguous forest lands, or (iii) forest lands enrolled in a forestry preservation program is deemed to be a significant adverse impact on natural resources.

HB 206 SMALL RENEWABLE ENERGY PROJECTS; IMPACT ON NATURAL RESOURCES, REPORT.

INFO

- The bill directs the Department to convene an advisory panel to assist in developing regulations to implement these requirements, and the main provisions of the bill do not become effective until such regulations are adopted.
- Any application for a small renewable energy project received for which an interconnection request is applied for and received by December 31, 2024, is not subject to the provisions of the bill.

HB 1087/SB 502 SOLAR PHOTOVOLTAIC PROJECTS; LOCAL TAXATION FOR PROJECTS LESS THAN FIVE MEGAWATTS.

INFO

- Provides that generating equipment of solar photovoltaic projects five megawatts or less shall be taxable by a locality, at a rate determined by such locality, but shall not exceed the real estate rate applicable in that locality, and that the exemption shall be as follows: 80 percent of the assessed value in the first five years in service after commencement of commercial operation, 70 percent of the assessed value in the second five years in service, and 60 percent of the assessed value for all remaining years in service.

HB 1087/SB 502 SOLAR PHOTOVOLTAIC PROJECTS; LOCAL TAXATION FOR PROJECTS LESS THAN FIVE MEGAWATTS.

INFO

- The bill also provides that (i) solar photovoltaic projects five megawatts or less shall not be exempt from the assessment of a revenue share by ordinance of that locality and (ii) nothing in the bill shall be construed to authorize local taxation of generating or storage equipment of solar photovoltaic projects that serve the electricity needs of that property upon which such solar facilities are located. The bill does not apply to projects five megawatts or less that were approved by a locality prior to July 1, 2022.

HB 1325 LOCAL GOVERNMENTS; ADDITIONAL POWERS, COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY FINANCING PROGRAMS.

MAY

- Changes the existing authorization for local governments to finance, by ordinance, clean energy, resiliency, and stormwater management programs to authorize the financing of eligible improvements to eligible properties, as defined in the bill, under C-PACE loan programs. The bill allows localities to delegate billing, collection, and remittance of C-PACE loan payments to a third party.
- Eligible property includes commercial real estate and certain properties owned by a POA.

SB 686 TAX, LOCAL; SOLAR FACILITY EXEMPTION.

INFO

- Amends § 58.1-3661 of the Code of Virginia to provide that any solar facility installed (i) on the roof of a residential dwelling or a structure on an agricultural zoned property in order to serve the electricity needs of the property upon which the facility is located and (ii) pursuant to existing local regulation of solar facilities laws is declared a separate class of property and shall be classified for local taxation separately from other classifications of real or personal property. Such facilities shall be wholly exempt from state and local taxation under the Constitution of Virginia. The exemption applies only to solar facilities with a nameplate generating capacity of not more than 25 kilowatts. The bill has a delayed effective date of January 1, 2023.

HB 180/SB 184 FOREST SUSTAINABILITY FUND; CREATED

INFO

- Creates the Forest Sustainability Fund, to be administered by the State Forester. Localities that have adopted a use value assessment and taxation program for real estate devoted to forest use are eligible to apply for an allocation from the Fund. Awards are proportionally based upon the amount of revenue forgone in the previous fiscal year by localities due to the use value program.



HB 323 LOCAL FOOD AND FARMING INFRASTRUCTURE GRANT PROGRAM; INCREASES GRANT FOR CERTAIN PROJECTS.

INFO

- Amends § 3.2-311 of the Code of Virginia to increase from \$25,000 to \$50,000 the amount of a grant that may be made to a political subdivision for projects that support local food production and sustainable agriculture.

HB 1309/SB 756 RESILIENT VIRGINIA REVOLVING LOAN FUND; CREATED.

INFO

- Amends §§ 62.1-199 and 62.1-203 of the Code of Virginia to create the Resilient Virginia Revolving Fund. The bill provides guidelines for deposits, expenditures, and investments and requires an annual audit of the Virginia Resources Authority. The bill provides that the Fund be used for loans or to refinance projects for local governments or to give grants to them, provides that the Fund may be used by local governments for loans or grants to persons of the Commonwealth eligible for projects for resilience purposes, and establishes guidelines for the priority of such loans and grants.

SB 400 AGRITOURISM EVENT BUILDINGS; AUTHORIZES THE BHCD TO PROMULGATE REGULATIONS RELATED TO BUILDINGS.

INFO

- Authorizes the Board of Housing and Community Development to promulgate regulations related to agritourism event buildings, defined in the bill as a building or structure located on property where farming operations or agritourism takes place and which is primarily used for holding events and entertainment gatherings, open to the public, of 300 people or less.
- The bill directs the Board to appoint a nine-member Agritourism Event Structure Technical Advisory Committee to assist the Board in administering its powers and duties pertaining to the construction and rehabilitation of agritourism event buildings.
- Does not become effective unless reenacted by the 2023 Session of the General Assembly.



HB 199 LAND PRESERVATION PROGRAM; SPECIAL ASSESSMENT.

MAY

- Provides that a locality may adopt an ordinance stating that a parcel of real property shall not be removed from the land use program for delinquent taxes if such taxes are paid no later than December 31 of the year in which the taxes became delinquent. The bill further provides that no parcel of real property shall be removed from the land use program for delinquent taxes if (i) such taxes become delinquent during a state of emergency declared by the Governor, (ii) the treasurer determines that the emergency has caused hardship for the taxpayer, and (iii) the taxes are paid no later than 90 days after the original deadline.

TAXATION AND FINANCE

- SURPLUS REVENUE
- TRANSIENT OCCUPANCY TAX
- REAL ESTATE REASSESSMENT
- TAX CREDITS, EXEMPTIONS, AND CLASSIFICATIONS
- CIGARETTE TAXES



HB 267/SB 12 TAXES, LOCAL; SURPLUS REVENUES.

INFO

- Grants localities permissive authority to return surplus personal property tax revenues to taxpayers. Under current law, localities may return only surplus real property tax revenues.

HB 518 SALES AND TRANSIENT OCCUPANCY TAXES; ACCOMMODATIONS INTERMEDIARIES.

INFO

- Changes the process by which sales and transient occupancy taxes are collected from accommodations sales involving accommodations intermediaries. Accommodations intermediaries shall submit to localities certain information on accommodations facilitated by the intermediary on a monthly basis. The bill directs the Department of Taxation to publish guidelines on implementation of the bill by August 1, 2022, and to convene a work group to examine the processes used to collect local transient occupancy taxes and make recommendations for improvements. The substantive provisions of the bill have a delayed effective date of October 1, 2022.

HB 91 | APPROVED LOCAL VOLUNTEER ACTIVITIES; ENABLES LOCALITIES TO PROVIDE CREDIT AGAINST TAXES & FEES.

MAY

- Enables localities, by ordinance, to provide a credit against taxes and fees imposed by the locality to an individual who provides approved volunteer services in the locality. The bill specifies that the credit shall not be applied against any property taxes or payments in lieu of property taxes. The bill gives localities discretion to determine which taxes or fees are permissible uses of the credit and which services qualify for the credit.

HB 95 I/SB 77 REAL PROPERTY TAX; ASSESSMENT CYCLES BY COUNTIES.

INFO

- Amends § 58.1-3252 of the Code of Virginia to authorize counties to conduct a general reassessment of real estate every three years if determined by majority vote of a county's board of supervisors. Current law requires counties to conduct a general reassessment every four years, with exceptions authorized for specified counties.

HB 957 REAL PROPERTY; CLASSIFICATION, PROPERTY OWNED BY CERTAIN SURVIVING SPOUSES FOR TAX PURPOSES.

MAY

- Adds § 58.1-3228.2 to the Code of Virginia to provide that beginning with taxable year 2022, any locality may declare real property owned by a surviving spouse of a member of the Armed Forces of the United States who died in the line of duty with a line of duty determination from the U.S. Department of Defense, where such death was not the result of criminal conduct, and where the spouse occupies the real property as his principal place of residence and does not remarry, a separate class of property for local taxation of real property that may be taxed at a different rate than that imposed on the general class of real property, provided that the rate of tax is greater than zero and does not exceed the rate of tax on the general class of real property.

HB 1076/SB 25 CIGARETTE TAX, LOCAL; IDENTIFYING UNSOLD INVENTORY, LOCALITIES THAT INCREASE TAXES

INFO

- Amends §§ 58.1-3830 and 58.1-3832.1 of the Code of Virginia to require any locality that increases its cigarette tax rate to allow, for one calendar year after the increase, a person with unsold inventory to pay the tax increase on the unsold inventory by filing a return, rather than requiring the use of a stamp or meter impression. The bill imposes a duty on regional cigarette tax boards to effectuate the policy.

HB 1239/SB 771 PERSONAL PROPERTY; OTHER CLASSIFICATIONS OF TANGIBLE PROPERTY FOR TAXATION.

INFO

- Amends § 58.1-3506 of the Code of Virginia to authorize localities to classify for rate purposes certain vehicles that, under current law, may be classified only for valuation purposes, including certain automobiles, trucks, motor vehicles for use by the handicapped, motorcycles, mopeds, all-terrain vehicles, off-road motorcycles, campers, and other recreational vehicles. The bill specifies that its provisions shall apply only to taxable years beginning on or after January 1, 2022, but before January 1, 2025.



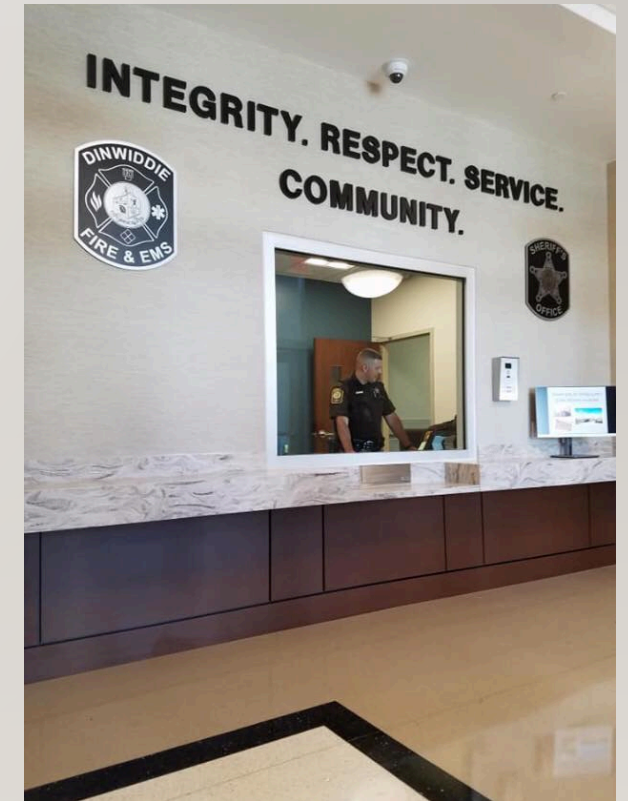
SB 648 REAL PROPERTY TAX; EXEMPTION FOR THE ELDERLY AND HANDICAPPED.

MAY

- Amends § 58.1-3213 of the Code of Virginia to provide that any locality may by ordinance accept documentation establishing eligibility for the real property tax exemption for the elderly and handicapped on a rolling basis throughout the year. Current law states that localities shall accept such documentation after January 1 but before April 1 or a later date fixed by ordinance.

PUBLIC SAFETY

- VICIOUS DOGS
- ILLEGAL GAMING
- MARCUS ALERT



SB 279 VICIOUS DOGS; LAW-ENFORCEMENT OFFICER, ETC., TO APPLY TO A MAGISTRATE FOR A SUMMONS, ETC.

SHALL

- Requires a law-enforcement officer or animal control officer to apply to a magistrate for a summons for a vicious dog if such officer is located in either the jurisdiction where the vicious dog resides or in the jurisdiction where the vicious dog committed one of the acts set forth in the definition of a vicious dog. Current law requires such action only if the law-enforcement officer or animal control officer is located in the jurisdiction where the vicious dog resides.

SB 530 ILLEGAL GAMING DEVICES; MANUFACTURING, ETC., DEVICE, CIVIL PENALTY.

INFO

- Adds the manufacturing for sale, selling, or distributing of an illegal gaming device while knowing that it is or is intended to be operated in the Commonwealth in violation of the law to the list of violations for which a civil penalty may be assessed against a person who is found to have committed such violation. The bill also adds a knowledge requirement to the existing violation of possessing or controlling an illegal gambling device. The bill also provides for a civil penalty of up to \$25,000 per gambling device for any person who sells a gambling device that is located in an unregulated location.

HB 1191/SB 361 MARCUS ALERT SYSTEM; PARTICIPATION IN THE SYSTEM IS OPTIONAL FOR LOCALITIES, ETC.

INFO

- The bills provide an exemption for localities with a population that is less than or equal to 40,000 to the requirement that localities establish protocols for local law-enforcement agencies to enter into memorandums of agreement with mobile crisis response providers regarding requests for law enforcement back-up during mobile crisis or community care team response and minimum standards, best practices, and a system for the review and approval of protocols for law enforcement participation in the Marcus alert system, so that these localities may but are not required to establish such protocols. The legislation includes a reporting requirement regarding barriers to establishment of local Marcus alert programs and community care or mobile crisis teams to provide mobile crisis response and a plan for addressing such barriers.

HB 970 PUBLIC AGENCIES; EXCLUSION FROM MANDATORY DISCLOSURE, PRIVACY OF PERSONAL INFORMATION, PENALTY.

INFO

- Amends §§ 2.2-3705.1 and 2.2-3808 of the Code of Virginia, relating to public agencies; privacy of personal donor information; penalty. Provides that public agencies shall not request personal donor information, defined in the bill, from (i) any individual or any entity organized under § 501(c) of the Internal Revenue Code or (ii) any bidder, offeror, or contractor of an agency.
- The bill prohibits such public agencies from disclosing personal information without the express, written permission of every individual who is identifiable from the potential release of such personal information, including individuals identifiable as members, supporters, or volunteers of, or donors to, the agency.

QUESTIONS?

