

2023 GENERAL ASSEMBLY SUMMARY



*Thomas
Jefferson*

Planning District Commission

P. O. Box 1505, Charlottesville, VA 22902

Representing the Local Governments of:

**Albemarle County
City of Charlottesville
Fluvanna County
Greene County
Louisa County
Nelson County**

Ned Gallaway, *Chair*
Christine Jacobs, *Executive Director*
David Blount, *Director of Legislative Services*

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TABLE OF CONTENTS

Overview	p. 3
Approved Legislation	p. 3
Agriculture/Environment	p. 3
Education	p. 4
Finance	p. 4
Housing	p. 5
Human Services	p. 6
Land Use	p. 6
Local Government	p. 7
Public Safety	p. 7
Transportation	p. 8
Miscellaneous	p. 9
Broadband	
Elections	
Freedom of Information	
Procurement	
Workers' Compensation	

OVERVIEW

The 2023 General Assembly finished its work on February 25, but without completing action on changes to the state budget for FY23/24. Budget negotiators appeared to be in no hurry to resolve outstanding issues, with uncertainty about the economy, revenue projections and upcoming primary elections playing a key role in the delay. At this time, any budget changes are not expected until late June, at the earliest.

Meanwhile, the legislature passed more than 800 bills during the regular session that were sent to the governor for his action. This document summarizes approved legislation impacting and/or of interest to local governments.

APPROVED LEGISLATION

Following are highlights of approved legislation in the areas of agriculture/environment, education, finance, housing, human services, land use, local government, public safety and transportation. A number of other bill topics are included under the “Miscellaneous” section. Bills take effect July 1, unless otherwise noted.

Agriculture and Environment

HB 1485 (*Webert*) and **SB 1129** (*Hanger*) advance from July 1, 2026, to July 1, 2028, the contingency effective date of the Chesapeake Bay Watershed Implementation Plan to allow consideration of a combination of point or nonpoint source pollution reduction commitments, other than agricultural best management practices, when determining whether commitments to the plan have been satisfied. The bills also prohibit certain regulatory actions from being imposed on agricultural practices prior to July 1, 2028, provided that reasonable progress is being achieved and a detailed plan has been developed for reaching the needed number of voluntary incentivized practices.

HB 1941 (*Hodges*) authorizes the State Water Control Board to provide loans from the Virginia Water Facilities Revolving Fund to localities for correcting onsite sewage disposal problems (small water facility projects) to protect or improve water quality and prevent water pollution.

HB 2096 (*Bulova*) makes various *Code* changes concerning noxious weeds, including providing authority to the Board of Agriculture and Consumer Services to adopt regulations governing the conditions under which a permit will be required for transporting noxious weeds and directing the creation of an invasive plant species list, which is to be updated quadrennially.

SB 1122 (*Hanger*) expands the eligibility criteria for localities to receive grant awards from the Open Space Lands Preservation Trust Fund.

SB 1305 (*Hanger*) requires farm buildings and structures where the public is invited to enter and that are exempt from the building code to have portable fire extinguishers, a written emergency plan and a sign that states that the building is exempt from building code provisions. The bill also continues the Agritourism Event Structure Technical Advisory Committee for an additional year and provides guidance on topics for it to consider related to fire safety and general public welfare.

HB 1848 (*Wachsmann*) and **SB 1376** (*Vogel*) include farm buildings and those used for agritourism activity, and any related impervious surface, in the respective definitions of an agreement in lieu of a plan in the stormwater management and erosion and sediment control laws.

Education

[HB 1630](#) (*Coyner*), [SB 1107](#) (*Cosgrove*), [SB 1289](#) (*Deeds*) and [SB 1479](#) (*Lucas*) are bills that reduce, from 12 months to six months, the break in service requirement for a teacher, bus driver or school administrator to return to work full time and continue to receive a VRS pension. VRS is directed to look at ways for workers with more than 25 years of service to return to a non-full time position within that break without jeopardizing retirement benefits. The bills' provisions will expire July 1, 2028.

[HB 1691](#) (*Greenhalgh*) and [SB 1099](#) (*Norment*) expand current provisions of the School Resource Officer Incentive Grants Fund to allow grants to be awarded for expenses related to the equipment necessary for school security officers and other relevant school safety personnel.

[HB 1995](#) (*Krizek*) and [SB 868](#) (*Cosgrove*) extend, for a summons for an alleged violation of passing a stopped school bus, from 10 to 30 business days the deadline to prove that the vehicle passed a bus and that the defendant was the registered owner of the vehicle, in order to give rise to a rebuttable presumption that the owner of the vehicle was the operator during the violation.

[HB 2104](#) (*Bourne*) increases the maximum boundaries of a school crossing zone from 600 feet to 750 feet from the limits of school property.

[HB 2187](#) (*Rasoul*) defines the terms "direct counseling" and "program planning and school support" for purposes of existing law that requires each school counselor to spend at least 80 percent of work time during normal school hours in the direct counseling of individual students or groups of students.

[SB 1043](#) (*McPike*) requires the Department of Education to a model memorandum of understanding between a school board and a public or private community mental health services provider that sets forth parameters for providing mental health services to students.

[SB 1124](#) (*Stanley*) requires the Board of Education to recommend to the General Assembly amendments to the Standards of Quality that establish standards for the maintenance and operations, renovation, and new construction of public school buildings.

[SB 1215](#) (*Lucas*) requires the Department of Education to convene a stakeholder work group to consider and make recommendations on certain definitions for and calculations of competitive teacher pay.

[SB 1453](#) (*McPike*) requires each local school board to provide for the placement of an automated external defibrillator in every public school in the local school division.

Finance

[HB 1368](#) (*Coyner*) directs the Department of Taxation to convene a work group to study the Department's policies and procedures to determine options for a mechanism for tax practitioners to provide feedback to the Department on an ongoing basis.

[HB 1442](#) (*McNamara*) requires the Department of Taxation to annually publish on its website the current transient occupancy tax (TOT) rates imposed in each locality. Local tax assessing officers shall report any rate change within 30 days of enactment; a rate change can take effect the first quarter following the enactment of a new rate. The bill also requires local tax-assessing officers to administer and enforce assessment and collection of TOT from accommodations intermediaries and specifies certain return filing requirements for such intermediaries.

HB 1486 (*Webert*) expands the list of farm machinery and implements that a locality may exempt from personal property taxes to include i) motor vehicles used primarily for agricultural purposes; ii) privately owned trailers primarily used by farmers in their farming operations; and iii) season-extending vegetable hoop houses used for in-field production of produce.

HB 1685 (*Greenhalgh*) requires that applications for local business licenses must clearly set out the due date for the application and the amount of any penalty for late filing of the application, the underpayment of estimated tax, and late payment of tax. Further, any bill issued that imposes a penalty or interest for a BPOL, machinery and tools tax or business tangible personal property tax must separately state the total amount of tax owed, the amount of any interest assessed, and the amount of the penalty imposed.

HB 1896 (*Byron*) and **SB 1182** (*Ruff*) provide for electronic filing of bank franchise tax returns through a secure online portal maintained by the Department of Taxation and extend the time to file such tax return by 60 days; the bills require localities to provide banks access to real estate assessment records upon request. The bills have a delayed effective date of January 1, 2025, and direct a work group to assess potential alternative methods for filing and allocating bank franchise tax revenues.

HB 1942 (*Durant*) stipulates that, if following an annual or biennial reassessment conducted by locality employees, the new assessed value exceeds the previous assessed value, the required notice of change in assessment must include the “effective tax rate increase.”

HB 2110 (*Bourne*) extends the maximum duration of an installment agreement between a locality and a landowner to pay delinquent taxes from 60 to 72 months.

HB 2414 (*D.L. Scott*) allows a disabled veteran or surviving spouse to apply for a real property tax exemption and receive a decision prior to purchasing a qualifying property.

SB 1411 (*Norment*) directs the Virginia Retirement System and other agencies to analyze and report on options for allowing law enforcement officers to return to work as law enforcement officers after retirement and continue to receive their retirement benefits.

Housing

HB 1805 (*Bloxom*) and **SB 1401** (*Lewis*) add community development projects related to the production and preservation of housing to those projects that the Virginia Resources Authority (VRA) may finance.

HB 2046 (*Carr*) and **SB 839** (*Locke*) direct the Department of Housing and Community Development (DHCD) to conduct a comprehensive statewide housing needs assessment at least every five years and to develop a statewide housing plan and update such plan at least every five years. DHCD also is to collect and publish certain zoning information from localities with a population greater than 3,500 regarding the locality's policies, ordinances, or processes affecting the development and construction of housing. The bills require localities to submit a report annually by September 1. **HB 2494** (*Ware*) contains only the reporting provisions.

HB 2099 (*Bulova*) increases the aggregate cap of the Livable Home Tax Credit from \$1 million to \$2 million per fiscal year (beginning with FY24) and the maximum amount of Livable Home Tax Credits a taxpayer may claim per year from \$5,000 to \$6,500 (beginning with tax year 2023).

[SB 1114](#) (*Stanley*) directs development of a Virginia Residential Sites and Structures Locator database to assist localities in marketing publicly owned, privately owned, or publicly and privately owned structures and parcels determined by the locality to be suitable for residential or mixed-use development, when the owner or owners have so authorized the locality.

Human Services

[HB 1524](#) (*Coyner*) and [SB 820](#) (*Favola*) establish the Virginia Opioid Use Reduction and Jail-Based Substance Use Disorder Treatment and Transition Fund to fund and support planning and implementation of locally administered, jail-based addiction recovery and substance use disorder treatment and transition programs in local and regional jails. The bills take effect July 1, 2024.

[HB 1976](#) (*Bell*) and [SB 1299](#) (*Deeds*) permit the director of a facility where a person is awaiting transport to a facility of temporary detention to release the person, if an employee or a designee of the local community services board in consultation with the person's treating physician i) conducts an evaluation of the person, ii) determines that the person no longer meets the commitment criteria, iii) authorizes the release of the person, and (iv) provides a discharge plan.

[HB 2185](#) (*Rasoul*) and [SB 1169](#) (*Hanger*) modify provisions related to the requirements of performance contracts entered into by the Department of Behavioral Health and Developmental Services with community services boards, to include requiring consistent monitoring of CSB performance and enforcement of performance contract requirements; the effective date of changes to the performance contracts is delayed until July 1, 2024. [SB 1465](#) (*Hanger*) is similar, and adds language describing the purpose of behavioral health services provided by CSBs.

[SB 872](#) (*Newman*) requires magistrates to authorize alternative transportation of a person subject to an emergency custody order or temporary detention order if appropriate alternative transportation is available.

Land Use

[HB 1634](#) (*Bulova*) and [SB 1187](#) (*Lewis*) encourage localities to consider strategies to address resilience in their comprehensive plans.

[HB 1665](#) (*Marshall*) and [SB 1205](#) (*Lewis*) extend from July 1, 2023, to July 1, 2025, the sunset date for various local land use approvals that were valid and outstanding as of July 1, 2020.

[HB 1671](#) (*Wyatt*) requires most localities to submit an annual report to the DHCD by March 1 containing the total fee revenue collected by the locality over the previous year related to processing, reviewing, and permitting applications for residential land development and construction activities.

[HB 1674](#) (*Hodges*) requires consideration of freight corridors when developing a transportation plan as part the local comprehensive plan.

[HB 1944](#) (*Hodges*) and [SB 1390](#) (*Lewis*) extend land use approvals for certain solar projects to July 1, 2026.

[SB 1511](#) (*Hanger*) allows a property that formerly participated in, and continues to meet the qualifications of, a state or federal soil and water conservation program but is no longer receiving payments or other compensation as a result of such program, to continue to be eligible for designation as real estate devoted to agricultural use and to horticultural use; the bill also provides

that the presence of noxious weeds or woody growth shall not be the sole basis for denial of a property's designation as real estate devoted to agricultural use.

Local Government

HB 1510 (*D. Adams*) authorizes localities to establish programs to provide regulatory flexibility, in the form of reduced permit fees or streamlined permit approval processes, to encourage the preservation, restoration or development of urban green space.

HB 1676 (*Hodges*) and **SB 1185** (*Lewis*) extend by eight years, from 2024 to 2032, the current moratorium on city annexations and county immunity actions. Provisions that would trigger the early expiration of the moratorium if the General Assembly fails to appropriate certain amounts for local law-enforcement expenditures are exempted through the 2030-2032 biennium.

HB 1789 (*Filler-Corn*) increases the amount of monthly health insurance credits received by retired Constitutional officers and their employees with a minimum of 15 years of creditable service from \$1.50 to \$1.75 per month per year of service, not to exceed \$52.50 per month, beginning July 1, 2024.

HB 2037 (*Sewell*) allows a local governing body that elects to supplement compensation of public defender employees to pay such funds directly to the Indigent Defense Commission. The Commission shall provide such funds directly to employees in combination with the compensation fixed by the Commission. Current law requires that such funds be provided directly to the employees, with notice to the Commission of the amount of such funds.

HB 2161 (*Williams*) and **SB 1151** (*Edwards*) standardize the frequency and length of time that notices of certain meetings, hearings, and other intended actions of localities must be published in newspapers and other print media.

HB 2191 (*Rasoul*) allows for the removal of certain unattended or immobile vehicles by the locality's civil code enforcement division; current law requires that such removal be carried out under the direction of a law-enforcement or uniformed officer of the law-enforcement agency.

HB 2312 (*Head*) and **SB 1263** (*Hackworth*) define stop work orders for the purposes of the Uniform Statewide Building Code, and provide that in an appeal of a locally-issued stop work order granted in favor of the party that was issued the stop work order, a locality shall be required to pay court costs and attorneys' fees of those who successfully appealed.

SB 956 (*Ruff*) authorizes localities to create a local business improvement and recruitment district within a Main Street district, which would consist of fees charged to businesses and used to fund business improvements, promotions, and recruitment activities.

SB 1495 (*Surovell*) provides that a person aggrieved by an enforcement action by a locality, where such action was based upon a willful disregard for applicable law, regulation, or ordinance, shall be entitled to an award of compensatory damages and may be awarded attorney fees.

Public Safety

HB 1472 (*Fowler*) and **SB 1246** (*Obenshain*) require ordinances or resolutions establishing an emergency medical services agency to specify the geographic boundaries of the agency's primary service area, and direct such agencies that respond to medical emergencies be a designated emergency response agency and recognized as an integral part of the official public safety program of the locality with responsibility for providing emergency medical response.

[HB 1572](#) (*Walker*) and [SB 1291](#) (*Deeds*) establish a penalty for any person knowingly reporting, or causing another to report, a false emergency communication to any emergency personnel that results in an emergency response.

[HB 1590](#) (*Sullivan*) and [SB 1034](#) (*McPike*) modernize the harassing phone call statute to include any communications that ring or otherwise signal or alert; under current law, only telephones and digital pagers are included in the statute.

[HB 1765](#) (*Carr*) expands the definition of fire company to include local organizations of at least 20 individuals organized to provide rehabilitation and other support services for firefighters; the current definition is limited to organizations of at least 20 individuals organized for the purpose of extinguishing fires.

[HB 1806](#) (*Bloxom*) and [SB 1057](#) (*Hanger*) revise provisions related to farm use placards that were adopted in 2022, including delaying from July 1, 2023, to July 1, 2024, the date by which vehicles claiming a farm use exemption are required to obtain a placard from the Department of Motor Vehicles, and authorizing localities to exempt such vehicles from personal property taxes.

[HB 2175](#) (*Sickles*) directs the Secretary of Public Safety and Homeland Security to establish a work group to study existing fire service needs, analyze sustainability of current funding and review alternative funding models from other states. A report is due October 1.

[HB 2020](#) (*Wachsmann*) and [SB 1073](#) (*Hackworth*) prohibits any unmanned aircraft system from i) dropping any item within the boundaries of or ii) obtaining any image of any identifiable inmate or resident at any state, local or juvenile correctional facility without consent or authorization.

[HB 2221](#) (*Hayes*) allows, with the consent of the court and all parties, an appearance in court to be made by two-way electronic video and audio communication for the purpose of waiver of a preliminary hearing.

[HB 2451](#) (*O'Quinn*) directs the Department of Fire Programs to develop a training program on the risks of fires in electric vehicles and how to safely and effectively manage them; all firefighters are required to complete such training program by December 1, 2025.

[SB 1455](#) (*Norment*) enables the chief law-enforcement officer of a locality to enact a curfew under certain circumstances during a civil disturbance.

Transportation

[HB 1496](#) (*Austin*) alters the allocation of the Commonwealth Mass Transit Fund (CMTF) by decreasing support for transit provider capital and operating costs and creating a new 3.5% allocation to the Virginia Railway Express, which would no longer receive funding from the transit operating or capital dollars of the Fund.

[HB 2302](#) (*Adams*) and [SB 1106](#) (*Newman*) authorize the Governor, under certain conditions, to direct funds from the Transportation Partnership Opportunity Fund to the Commonwealth Transportation Board for transportation projects that support major economic development initiatives or enhance economic development opportunities; the bills also authorize the use of grants, funds directed to the Board, and revolving loans for property acquisition and new or improved infrastructure to support economic development opportunities.

HB 2338 (*McQuinn*) and **SB 1326** (*McClellan*) direct the Commonwealth Transportation Board to use up to 30% of available funds in the Transit Ridership Incentive Program to support local, regional, and state entities in improving the accessibility of transit bus passenger facilities and transitioning public transit bus fleets and infrastructure to zero-emission fleets and infrastructure.

SB 1069 (*Saslaw*) requires the driver of a vehicle approaching a pedestrian who is crossing a highway to stop when such pedestrian is within the driver's lane or an adjacent lane and approaching the driver's lane; currently, a driver is required to yield the right-of-way to such pedestrian by stopping and remaining stopped.

Miscellaneous

HB 1411 (*Marshall*) and **SB 1320** (*McClellan*) codify the Virginia Community Development Financial Institutions (CDFI) Fund for the provision of grants and loans to CDFI's and similar entities to provide financing to small businesses, housing development and rehabilitation projects, and community revitalization real estate projects.

HB 1649 (*Wyatt*) authorizes towing and recovery operators to charge a fuel surcharge of no more than \$20 for each vehicle towed or removed from private property without the consent of its owner. Localities cannot limit or prohibit the fee. The bill's provisions expire on July 1, 2024.

HB 1757 (*J. Campbell*) and **SB 845** (*Peterson*) provide that a person shall be immune from tort liability if the tort claim is based solely on statements made i) at a public hearing before a local governing body, other political subdivision, or boards, commissions, agencies, and authorities thereof, and other governing bodies of any local governmental entity concerning matters properly before such body, or ii) by an employee against his employer and where retaliatory action against an employee is otherwise prohibited by law.

HB 1842 (*Knight*) creates the Virginia Business Ready Sites Acquisition Program to i) create sites for the purpose of creating and maintaining a portfolio of project-ready sites to promote economic development in Virginia; ii) develop such sites to increase their marketability; and iii) enter into development agreements with private employers for large-scale economic development projects.

HB 1911 (*Batten*) and **SB 1002** (*Cosgrove*) prohibit officers and employees of state and local governments from receiving a gift with a value over \$100 for which the fair market value or a gift of greater or equal value has not been provided or exchanged from foreign countries of concern that have been designated by the Secretary of State to have repeatedly provided support for acts of international terrorism.

HB 1940 (*Runion*) and **SB 999** (*Mason*) require the Department of Professional and Occupational Regulation to issue a reciprocal license for waterworks and wastewater works operators licensed in another state upon application by an individual and without examination, but under certain conditions.

HB 2041 (*Shin*) and **SB 807** (*Favola*) authorize a locality or park authority to establish, conduct, and regulate a system of walking trails and release from certain civil liability the owner of any such property.

HB 2195 (*Byron*) and **SB 1470** (*Ruff*) create the Department of Workforce Development and Advancement to serve as administrator and fiscal agent for the Commonwealth's workforce

development programs; the bills also consolidate statewide workforce program evaluation and data sharing under the Department.

HB 2200 (*Robinson*) directs the Secretary of Health and Human Resources and Department of Health to convene a work group to analyze and review current reimbursement and operational challenges for medical practices that administer anti-cancer drugs in certain situations.

HB 2317 (*Williams Graves*) and **SB 789** (*Spruill*) increase the jury duty allowance from \$30 to \$50 per day.

HB 2386 (*O'Quinn*) and **SB 1464** (*Vogel*) create the Virginia Power Innovation Fund with funding to be used solely for research and development of innovative energy technologies, including nuclear, hydrogen, carbon capture and utilization, and energy storage. The bills also create the Virginia Power Innovation Program to use money from the Fund to i) establish a Virginia nuclear innovation hub and ii) award competitive grants to support energy innovation.

SB 983 (*Mason*) makes various changes to provisions related to winery and farm winery licenses, to include those dealing with tasks to be performed on a licensed premises, license qualifications, manufacturing and sale requirements and limitations, and utilization of contract winemaking services.

SB 1061 (*Stuart*) updates notice requirements for public hearings on private activity bonds throughout the Code.

Broadband:

HB 1752 (*Head*) and **SB 1029** (*Stanley*) expedite the process for broadband service providers to extend fiber optic cable across railroad rights-of-way by providing for a 35-day timeframe for applications for crossings to be approved.

Elections:

HB 2289 (*Williams*) and **SB 1431** (*Surovell*) set out the procedure by which an elected officer or officer who has been appointed to fill an elective office may be removed from office.

HB 2471 (*Batten*) and **SB 1514** (*Mason*) provide for the removal of a general registrar by the circuit court, upon a petition signed by a majority of the members of the State Board of Elections or a majority of the members of the local electoral board.

Freedom of Information (FOIA):

HB 1569 (*Walker*) clarifies that personnel records excluded from disclosure under the FOIA include those of persons employed by i) a public body engaged in emergency medical services or fire protection services; ii) a law-enforcement agency; or iii) an emergency 911 system or any other equivalent reporting system.

HB 2006 (*Roem*) provides that a public body that charges for producing records pursuant to a FOIA request may provide for an electronic method of payment by the requestor.

HB 2007 (*Roem*) requires a public body charging for producing records to have a written policy explaining how the body assesses such charges and the amount of the fees.

HB 2498 (*Kory*) adds members of any boards governing park authorities to the list of persons to whom the FOIA Council or local government attorney is required to provide training.

Procurement:

HB 1490 (*Davis*) authorizes a locality, by ordinance, to allow a contractor awarded an indefinite delivery or quantity contract to furnish to the local public body a performance bond and a payment bond, each of which shall equal the dollar amount of the individual tasks identified in the underlying contract.

HB 1610 (*Tata*) excludes the installation of playground equipment from the prohibition on using cooperative procurement to purchase construction.

HB 2450 (*Campbell*) and **SB 1491** (*Bell*) exclude construction management contracts involving infrastructure projects from the requirement that no more than 10% of the construction work be performed by the construction manager with its own forces and the remaining 90% of construction work be performed by subcontractors.

HB 2500 (*Wiley*) and **SB 1313** (*Bell*) clarify certain definitions throughout the Code for consistency between public and private construction contracts.

Workers' Compensation:

HB 1408 (*Brewer*) and **SB 906** (*Saslaw*) expand the workers' compensation presumption of compensability for certain cancers causing the death or disability of certain employees (including firefighters) who have completed five years of service in their position to include bladder and thyroid cancer.

HB 1410 (*Marshall*) and **SB 1038** (*McPike*) expand the workers' compensation presumption of compensability for certain cancers causing the death or disability of certain employees who have completed five years of service in their position to include arson investigators or bomb investigators.

HB 1775 (*O'Quinn*) and **SB 904** (*DeSteph*) provide that anxiety disorder or depressive disorder incurred by a law-enforcement officer or firefighter is compensable under the Workers' Compensation Act.

****SJR 231** was the only significant resolution of interest to be approved. It proposes to expand the current tax exemption for real property available to the surviving spouses of soldiers killed in action to the surviving spouses of soldiers who died in the line of duty, with a Line of Duty determination from the U.S. Department of Defense. In order to move forward, the proposal must be adopted by the General Assembly in the same form next year and then submitted to voters for approval.