

2021 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**

Dale Herring, *Chair*
Christine Jacobs, *Interim Executive Director*
David Blount, *Director of Legislative Services*
Dominique Lavorata, *Planner and Legislative Aide*

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OVERVIEW

The special session of the 2021 General Assembly, which extended the work of the 30-day regular session, wrapped up its work on March 1. The last working day of the session saw the legislature considering final action on more than 60 bills and resolutions that had remained in dispute. A compromise on the current biennial budget for FY21 and FY22 and containing numerous changes to the budget plan introduced by Governor Northam in December, handily was approved by the House and Senate.

This report highlights 1) major budget provisions of interest to local governments that were adopted by the legislature and signed by the governor, and 2) summaries of dozens of bills of interest to local governments that were approved and signed into law.

BUDGET SUMMARY

The adopted state budget package provides a biennial, general fund spending plan totaling \$48.2 billion dollars for the remainder of FY21 and for FY22. Key approved items include the following:

It provides funding for 5% salary increases for state employees, teachers and state-supported local employees, effective July 1. For teachers, the state share is provided for SOQ instructional and support positions, and will be prorated for school divisions that provide less than a 5% salary increase during the biennium; however, to access these funds, at least an average 2% pay raise during the biennium must be provided. The plan adds \$3.5 million in FY22 to increase the salary scale for general registrars to equal the salary scale for treasurers, and provides \$2.6 million in FY22 to adjust entry-level salaries for regional jail officers. It includes \$4.3 million in state and local funds in FY22 to increase the minimum pay band for certain local departments of social services positions that currently are below the minimum threshold.

Concerning tax conformity, which had an impact on the amount of resources available to the budget writers for appropriation, the conference report assumes \$221 million less revenue in order to fund income tax relief to individuals and businesses related to conformity with the federal CARES Act and the Consolidated Appropriations Act. The deductions recognize up to \$100,000 for expenses funded by forgiven loans under the Paycheck Protection Program (PPP), as well as for grant funds received under the Rebuild Virginia program. The corresponding bills are **HB 1935** and **SB 1146**, which also advance Virginia's date of conformity with the Internal Revenue Code from December 31, 2019, to December 31, 2020.

The budget accord provides an additional \$250 million in cash reserves on top of the \$650 million that the governor had proposed in his introduced budget. This additional \$900 million will bring total reserves (in the state's "Rainy Day Fund" and cash reserves) to over \$2.1 billion by the end of the biennium, which is more than 9% of annual state general fund revenues.

The State continues to put additional dollars toward the Virginia Telecommunication Initiative (VATI) for expanding broadband access. The final budget endorses the nearly \$50 million for the VATI program in FY22 included in the introduced budget, and provides \$424,000 for development of a statewide broadband map. Such map is intended to indicate broadband coverage, including maximum broadband speeds available. Broadband service providers will be required to submit updated service territory data annually; an initial map is due by July 1, 2022 and it is to be updated at least annually. Also, budget language directs the Department of Social Services (DSS) to design a program for consideration by the 2022 General Assembly to increase broadband access to low-income Virginians.

Following is an analysis of other key provisions of interest to local governments included in the approved state budget for FY21 and FY22.

Agriculture and Environment

In the agriculture area, the adopted budget provides \$1 million in FY22 for the Virginia Farmland Preservation Fund. It provides a total of \$3.1 million in FY21 for the Virginia Food Access Investment Program, which offers grants and loans to expand access to grocery stores and small food retailers in historically-marginalized communities. A language amendment directs the Department of Forestry (DOF) to convene a stakeholder workgroup to provide recommendations for policies which encourage increased tree cover in communities, and the preservation of mature trees and tree cover on sites being developed.

In the environment area, the adopted spending plan includes state dollars for the next phase of improvements for wastewater treatment plant nutrient removal by providing \$50 million in general funds and \$50 million in bonds for nutrient removal grants. This funding will help implement **HB 2129/SB 1354**. The plan also provides a \$25 million deposit to the Stormwater Local Assistance Fund in FY22, which provides grants to localities to upgrade stormwater systems.

The plan includes just under \$70 million in FY22 for the Water Quality Improvement Fund. Of this total, \$65 million is directed to the Natural Resources Committee Fund for agricultural best management practices.

The budget supports provisions in the introduced budget that funnel \$12 million to the Department of Environmental Quality (DEQ) for monitoring, compliance, permitting and policy activities.

Other items of interest include the following:

- Budget language delays implementation of boat ramp access fees until July 1, 2022, and directs the Department of Wildlife Resources (DWR) to convene a stakeholder group to study the costs and benefits of assessing fees on kayaks, canoes and rafts accessing public waterways.
- Language also directs DEQ and other agencies to convene a joint workgroup to provide a report on the prevalence of harmful algae blooms in Virginia waters and strategies to address their occurrence.
- Language directs DEQ to study advanced recycling, which included processes that convert certain plastic waste into hydrocarbon raw materials.
- Finally, the budget earmarks \$175,000 for a field test of the effectiveness of certain plantings in removing road salt from impervious surface stormwater runoff.

Education

Most of new state spending in the K-12 area is in the salary increase (as noted above) and in “no loss” funding of \$443 million to ensure no school division receives less funding than contained in the budget approved last fall.

The budget plan provides nearly \$50 million for the state share of three specialized student support positions (school social workers, nurses, psychologists, etc.) per 1,000 students. It also includes \$26.6 million in FY22, as provided in the introduced budget, to fund school counselors at one counselor per 325 students in all grades.

The adopted budget includes \$40 million in lottery proceeds in FY21 to support summer learning and other programs to address learning loss during the pandemic, in response to such issues related to school closures and virtual learning. While the funds are targeted for the current fiscal year, they can be used in FY22 as needed, and no local match is required. The budget also appropriates \$30 million in FY22 from federal Elementary and Secondary School Emergency Relief (ESSER) funds to provide grants to address COVID-19 related learning loss and other student support needs.

Action also was taken in the following areas:

- The plan includes \$20.1 million in FY21 and \$9.9 million in FY22 to increase Infrastructure and Operations Per Pupil payments, formerly known as Supplemental Lottery Fund Per Pupil allocations, by \$30 the first year and \$15 the second year.

→The adopted budget includes \$61 million to buy down a portion of the teacher retirement fund's unfunded liability; this will translate to reduced teacher pension plan contribution rates, saving an estimated \$2.7 million for localities.

→The plan provides \$16.1 million in FY22 to restore the Virginia Preschool Initiative per pupil increase and incentive payments to support retention of early childhood educators.

→The budget includes \$62.2 million for **HB 2206**, which temporarily expands the child care subsidy program.

→Budget language directs a workgroup to make recommendations on the desired qualifications and training for school personnel providing health services in schools.

Community Development

→The budget includes the governor's recommendation for a total of \$125.7 million for the Housing Trust Fund across FY21 and FY22.

→It restores \$3.3 million in FY22 to continue the Eviction Prevention and Diversion Pilot Program, which supports local or regional programs that link clients to local departments of social services and legal aid.

→It includes \$2.1 million from increased sales tax collections from online travel companies for Tourism Promotion Grants (per **SB 1398**).

→About \$9 million is included for programs at the Virginia Economic Development Partnership, including the business ready sites program, talent solutions program, and a new office of Labor Market and Education Alignment.

→The Rebuild Virginia program will receive an additional \$25 million from skill games revenue; this will bring total support for the small business assistance fund to \$145 million.

→The approved budget provides an additional \$1.5 million in FY22 for the Virginia Main Street program to assist with economic recovery from the COVID-19 pandemic.

→It provides \$50,000 for the Department of Housing and Community Development to lead a workgroup to provide recommendations on increasing local development of accessory dwelling units on single-family dwelling lots (per **HB 2053**).

→It restores \$2 million in FY22 for the Virginia Jobs Investment Program.

→It restores \$294,000 in FY22 to provide each planning district commission with an additional \$14,000; this funding had been approved and then unallotted last year.

Health and Human Services

One of the legislature's primary objectives in this budget was restoration of health and human services funding that had been unallotted in 2020. This area of the budget reflects additional federal Medicaid match savings of over \$300 million and uses more than \$100 million in federal dollars to supplant state general funds. Chief among the expenditures is funding to support mass vaccination efforts, and COVID-19 communications and modeling.

There are several language amendments that address the Children's Services Act (CSA). One will end the temporary 2% cap on rate increases for private day special education services enacted at the beginning of a now-completed study of special education private day treatment. A second adds funding to the Office of Children's Services to monitor local program performance and work with underperforming localities (per **HB 2212**), and to also collect additional information from localities regarding administrative staffing and budgets in order to better understand local program resources.

The conference report amends implementation of updates to revenue capacity data in the funding formula for the cooperative health (local health department) budget. It phases in new local match rates over a three-year period beginning in FY22, and eliminates the single-year state hold-harmless (which was included in the introduced plan) for those with proposed local match increases.

As noted earlier, it includes a mix of state and federal funds totaling about \$4.3 million, restoring funds approved during the 2020 regular session and then unallotted, to increase the

minimum pay band for local social services departments in FY22. The pay bands would increase by 20% for family services positions and 15% for all other benefit program services, self-sufficiency services, and administrative positions that currently are below the new minimum threshold.

→The budget also provides nearly \$6 million in FY22 to fund 47 positions (including epidemiologists and communicable disease nurses) in local health departments.

→It provides \$14.2 million in state and federal funds to add 435 Developmental Disability waiver slots, bringing the total to 985 slots in FY22.

→The budget provides a 10% increase in Temporary Assistance to Needy Families and directs DSS to develop a plan to increase the standards of assistance by 10% annually until the standards equal 50% of the federal poverty level.

→The budget includes over \$14 million in state and local funds in FY22 for prevention services for children at imminent risk of entering foster care, in keeping with the Family First Prevention Services Act.

Public Safety

→There was no additional funding included for the state assistance to local law enforcement program, so funding of \$191.7 million will continue in FY22 for localities with police departments that receive HB599 dollars.

→The budget adds \$2.5 million the second year to continue the Emergency Shelter Upgrade Assistance Fund to aid local governments in proactively preparing for emergency sheltering situations on an on-going basis.

→Budget language and a \$250,000 appropriation direct the Compensation Board to contract for an examination of staffing standards used to determine and distribute funding to Commonwealth Attorneys' offices.

→A language amendment directs a DSS workgroup to develop recommendations on local criminal justice diversion programs, to include two-generational strategies that address poverty issues.

→Language also directs a survey of sheriffs' departments to determine anticipated staffing and training costs of the new Marcus Alert system.

Transportation

The legislature corralled a mix of funds into a 2021 Transportation Funding Initiative. A total of \$323.4 million, comprised of one-time federal Coronavirus relief funding, existing program balances and state general funds, is provided without impacting transportation resources that flow through formulas or otherwise would be subject to the SmartScale process. Included in this amount is \$83.5 million for extending intercity passenger rail service from Roanoke to the Blacksburg-Christiansburg area, and to increase the frequency of intercity passenger rail service along the I-81/Route 29 corridors. Another \$10 million is targeted for regional trails.

The budget also dedicates \$3.6 million in FY22 in the Transit Ridership Incentive Program for regional connectivity programs focused on congestion reduction and mitigation through provision of long-distance commuter routes.

The plan also provides dollars to increase the statewide availability of fare-free services and to study transit modernization and equity across the state (per **HJR 542**). Budget language temporarily delays Department of Rail and Public Transportation (DRPT) local transit strategic planning requirements, and requires adequate notification by the Virginia Department of Transportation (VDOT) of any changes in weight limits to bridges.

Miscellaneous budget provisions and budget language

→The budget provides about \$2 million over the biennium for state costs associated with legislation establishing a presumption that COVID-19 is a work-related disease for first responders under the Workers' Compensation Act.

→In the area of elections, the budget continues the applicability of provisions governing the absentee ballot “cure” process, the use of drop off locations for absentee ballots and dollars to reimburse general registrars for the cost of prepaid postage for the return of absentee ballots. The plan also fully funds the replacement of VERIS, the state’s voter registration system, and includes funding to educate voters on changes made to election law over the past year.

→The plan restores \$1 million in FY22 in state aid to local public libraries.

Additional Budget Language Amendments:

→Budget language directs the Commission on Local Government to undertake a review of the effects of mandatory property tax exemptions on local government revenues and services and recommend potential options for mitigating fiscal impacts.

→Language establishes a Joint Subcommittee on Tax Policy to evaluate and make recommendations on changes to Virginia's tax policies, including changes to tax brackets, tax rates, credits, deductions and exemptions, and any other changes it deems necessary.

→A language amendment creates the Assistance for COVID-19 Trust Fund, requiring General Assembly appropriation of any new federal assistance provided by Congress for addressing COVID-19 impacts.

→Language authorizes candidates for public office to collect petition signatures during the ongoing state of emergency through an online form developed by the Department of Elections.

→Language directs the Department of General Services to convene an annual public body procurement workgroup to review and study proposed changes to the *Code* in various areas of goods and services procurements.

→Budget language forgives an additional \$90 million of debt for Dominion Energy customers with accounts over 30 days in arrears as of December 31, 2020, bringing total debt forgiveness to \$217 million.

APPROVED LEGISLATION

Following are highlights of approved legislation in the areas of environment, finance, 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. Approved studies and resolutions also are listed.

Environment

HB 1760 (*Webert*) and **SB 1199** (*Petersen*) provide that easements held pursuant to the Conservation Easement or the Open-Space Land Acts shall be construed in favor of achieving the conservation purposes for which they were created.

HB 1804 (*Orrock*) directs the Department of Conservation and Recreation (DCR) to develop recommendations for dedicated and stable sources of funding for state parks.

HB 1834 (*Subramanyam*) and **SB 1247** (*Deeds*) require large carbon-emitting power plants to provide notice to relevant localities and state agencies within 30 days of making a decision to close the plant. The relevant locality and planning district commission must hold a public hearing within six months of such notice. A utility also must submit, and disclose to localities and state agencies, a facility retirement study for its carbon-emitting facilities.

HB 1902 (*Carr*) prohibits dispensing of prepared food in a single-use expanded polystyrene (Styrofoam) food service container, with deadlines for phasing out the material depending on business size. The bill also stipulates a process by which a locality may grant one-year exemptions to food vendors for undue economic hardship reasons. It applies to state or local government entities that regularly provide food as a part of its services, beginning July 1, 2025.

The General Assembly adopted changes to incorporate large-scale battery storage in utility-scale solar projects, while also expanding local authority to address impacts related to land use and local revenue generation. **HB 2201** (*Jones*) and **SB 1207** (*Barker*) expand existing provisions for solar projects located in an opportunity zone to include energy storage projects and makes the provisions statewide if approved after January 1, 2021. The effect of the bills is contingent on **HB 2006** (*Heretick*) and **SB 2001** (*Petersen*) concerning taxation of energy storage projects with a local option for machinery and tools tax or solar revenue share. These state that energy storage systems are included in the definition of certified pollution control equipment and facilities, making such systems exempt from state and local taxation. The bill provides that on July 1, 2026, and every five years thereafter, the maximum amount of revenue share that a locality may impose on energy storage systems, and certain solar energy projects, shall be increased by 10%.

HB 2129 (*Lopez*) and **SB 1354** (*Hanger*) require the State Water Control Board to adopt regulations establishing a Phase III Watershed Implementation Plan (WIP) Enhanced Nutrient Removal Certainty (ENRC) Program, consisting of a number of total nitrogen and total phosphorous waste load allocation reductions assigned to particular water treatment facilities with schedules for compliance.

HB 2269 (*Heretick*) allows localities to assess a revenue share of up to \$1,400 per megawatt on energy storage systems. Currently, localities may impose revenue shares of up to \$1,400 on solar photovoltaic projects.

SB 1210 (*Petersen*) directs the DEQ to convene working groups to develop fee schedules for nonhazardous solid waste management facilities and maintenance fees for certain water withdrawal permits, to replace the current annual fee schedules.

SB 1258 (*Marsden*) requires non-MS4 localities for which DEQ does not administer a Virginia Stormwater Management Program to notify the Department if they decide to have it provide a review of and recommendations on the erosion and sediment control plan for any solar project greater than 5MW and its associated infrastructure.

SB 1274 (*Marsden*) directs various agencies to consider and incorporate wildlife corridors and recommendations of the Wildlife Corridor Action Plan (which was directed to be created by legislation in 2020).

SB 1284 (*Favola*) establishes the Commonwealth Clean Energy Policy, replacing the Commonwealth Energy Policy, which sets out State energy policy and objectives, and provides guidance to agencies and political subdivisions on discretionary actions regarding energy issues.

SB 1309 (*Ebbin*) authorizes grants from a local Stormwater Management Fund to be used for flood mitigation and protection measures that are part of a locally-adopted comprehensive flood mitigation and protection plan.

SB 1319 (*Hashmi*) gives additional tasks to the DEQ Waste Diversion and Recycling Task Force established last year. A report is due by November 1, 2022.

SB 1404 (*Lewis*) authorizes grants from the Stormwater Local Assistance Fund awarded for projects related to Chesapeake Bay TMDL requirements to take into account total phosphorus reductions or total nitrogen reductions.

Finance

HB 1774 (*Walker*) expands the existing class of tangible personal property that encompasses motor vehicles, trailers, and semitrailers weighing at least 10,000 pounds used by an interstate

commerce motor carrier engaged in transporting property, to include such vehicles used to transport passengers.

HB 1789 (*McNamara*) extends from three to five months the period of time for certain political subdivisions to have an annual financial transactions audit performed and submitted to the Auditor of Public Accounts.

HB 2165 (*Hope*) extends from 36 to 60 months the time period for which a local tax official may suspend an action for the sale of tax delinquent property.

HB 2168 (*Scott*) and **SB 1465** (*Reeves*) allow the Attorney General, Commonwealth attorney or locality attorney to take legal action against any person who conducts, finances, manages, supervises, directs or owns certain defined gambling devices located in an unregulated (by the state) location.

HB 2308 (*Brewer*) increases from 75 to 200 the number of acres of land that any association or post of the Veterans Armed Forces may hold, and provides that any such property in excess of 75 acres shall not be exempt from taxation, unless an ordinance to that effect is adopted by the local governing body where the property is located.

SB 1130 (*Reeves*) implements the Constitutional amendment approved by voters last November to provide that one motor vehicle of a veteran who has a 100% service-connected, permanent, and total disability shall be exempt from state and local taxes.

Human Services

HB 1818 (*Heretick*) and **SB 1275** (*Marsden*) add, for workers' compensation purposes, the presumption for death caused by hypertension or heart disease for emergency services personnel (at local option), effective for individuals so diagnosed after July 1.

HB 1874 (*Coyner*) requires minimum standards for behavioral health services in correctional facilities, including screenings and subsequent assessments, within 72 hours. The Board of Local and Regional Jails is directed to conduct a review of the behavioral health screening and assessment process and report its findings and recommendations by October 2021.

HB 1963 (*Bagby*) provides that that state, matching, and self-generated funds for local health departments shall constitute the cooperative local health budget available to a local health department.

HB 1985 (*Hurst*) retroactively establishes a workers' compensation presumption that COVID-19 is an occupational disease for health care workers, provided that death or disability occurred on or after March 12, 2020.

HB 1989 (*Aird*) directs the Department of Health, subject to approval of a grant by the Centers for Disease Control, to develop and implement an information-sharing system regarding confirmed cases of communicable diseases of public health threat.

HB 2070 (*Willett*) clarifies that community services boards may enter into contracts with private providers for delivery of mental health, developmental and substance abuse services.

HB 2085 (*Askew*) 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.

HB 2206 (*Filler-Corn*) temporarily expands the child care subsidy program. The bill took effect March 18 and affects applications for assistance received prior to August 1, 2021.

HB 2207 (*Jones*) and **SB 1375** (*Saslaw*) establish a COVID-19 presumption for firefighters, emergency medical services personnel, law-enforcement officers and correctional officers, for the death or disability occurring on or after July 1, 2020.

HB 2212 (*Plum*) add new responsibilities for the Office of Children’s Services for monitoring local program performance and working with underperforming localities.

HB 2326 (*Graves*) expands to include all cities the authority related to the regulation of child-care services currently available to certain Northern Virginia localities.

SB 1302 (*McPike*) requires that a crisis call center provide crisis intervention services and crisis care coordination to individuals accessing the National Suicide Prevention Lifeline from any jurisdiction in the state, 24 hours a day, seven days a week.

Land Use

HB 2046 (*Bourne*) prohibits any locality, its employees, or its appointed commissions from discrimination tactics of any form when making land use decisions regarding housing.

HB 2053 (*Samirah*) directs the Department of Housing and Community Development (DHCD) to convene a stakeholder advisory group to evaluate the construction of accessory dwelling units as a strategy to address the growing demand for affordable and market-rate housing. A report is due November 1, 2022.

HB 2072 (*Convirs-Fowler*) requires the Virginia Housing Development Authority to make recommendations, by July 1, 2022, on the creation of a Virginia Good Neighbor Next Door program, similar to the federal program, to provide incentives for emergency response personnel and teachers to purchase homes within designated revitalization areas in their localities.

HB 2217 (*Hodges*) grants public access authorities, including the land holdings and facilities of such authorities, certain liability protections that are currently given to localities in relation to parks, recreational facilities and playgrounds.

Local Government

HB 1778 (*Ward*) provides that a locality may require the removal of clutter (which includes mechanical equipment, household furniture, containers and similar items) from property, except on land zoned for or in an active farming operation, that is in public view when it may be detrimental to the well-being of a community.

HB 1898 (*Roem*) provides an exception to the rule that an elected official cannot be appointed to a board of zoning appeals, by allowing an elected official from a town to serve on such board of the county in which the member resides.

HB 1903 (*Carr*) 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 or residential district.

HB 1919 (*Kory*) allows a locality to establish a green bank to promote the investment in clean energy technologies in the locality and to provide financing for such technologies.

HB 1949 (*Runion*) and **SB 1120** (*Reeves*) allow Albemarle and Prince William (county executive form of government) to carry over from year-to-year, appropriated funds for multi-year capital projects and outstanding grants without re-appropriation.

HB 1969 (*Carr*) modifies the definition of "qualifying locality" to include more fiscally-stressed localities, which may classify blighted and derelict properties as a separate class of taxable property and assess such property at a higher rate, and also sell delinquent tax lands six months after the locality has incurred abatement costs for buildings.

HB 2017 (*Mullin*) authorizes any jurisdiction to establish a youth justice diversion program.

HB 2042 (*Guy*) and **SB 1393** (*Marsden*) authorize localities to exceed general law requirements in tree replacement and conservation ordinances in specific circumstances; these parts of the bill must be reenacted by the 2022 General Assembly in order to take effect. The bills also direct the Secretaries of Natural Resources and of Agriculture and Forestry to convene a stakeholder work group to make further recommendations on tree conservation and preservation.

HB 2131 (*Lopez*) adds the chief administrative officer of a locality to the list of persons who may be sent notice of certain license applications by Virginia Alcoholic Beverage Control. Additionally, it expands the definition of "criminal blight," as it may be caused by drug possession and firearms, for which a locality may require corrective action by a property owner.

HB 2266 (*Ayala*) and **SB 1471** (*Dunnavant*) rename the "local special events" license as the "designated outdoor refreshment area" license for on-premises consumption of alcoholic beverages at licensed establishments, and allows the ABC Board to increase the frequency and duration of events after adoption of an ordinance by a locality requesting such an increase. The bill also increases the state and local license fees pursuant to a local ordinance.

HB 2318 (*Roem*) authorizes localities, by ordinance, to require motor vehicle dealers in the locality to notify buyers that test driving a motor vehicle in a residence district that has been designated for increased fines for speeding is prohibited.

SB 1208 (*Barker*) extends from six to 12 months the period of time after a disaster that a locality may provide for a method to assure continuity in its government; such ordinance must provide for a resumption of normal governmental authority at the end of the period.

SB 1298 (*Bell*) 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.

SB 1326 (*Hanger*) encourages local cigarette stamping and tax collection to be accomplished through regional cigarette tax boards of at least six localities. It also establishes a task force to examine ways to modernize local cigarette tax collection and stamping systems.

Public Safety

HB 1801 (*Edmunds*) increases the minimum fine for dumping or disposing of litter, trash or other unsightly matter on public or private property from \$250 to \$500.

HB 2031 (*Aird*) provides that no local law-enforcement agency shall purchase or deploy facial recognition technology unless such purchase or deployment is expressly authorized by statute after July 1, 2021.

HB 2113 (*Herring*) and **SB 1339** (*Surovell*) establish a process for automatic sealing of a broad range of misdemeanor and some low-level felony convictions as well as charges arising from mistaken identity.

HB 2322 (*Herring*) and **SB 1469** (*Barker*) establish an Opioid Abatement Authority to assist in distributing funds from the settlement of opioid-related claims to agencies and certain localities for treating, preventing or reducing opioid use disorder and the misuse of opioids.

SB 1119 (*Reeves*) creates a special state fund for the next two years to assist state or local law-enforcement agencies with the costs of body-worn camera systems.

SB 1242 (*Edwards*) provides that an appearance in a court for certain purposes may be made by two-way electronic video and audio communication.

Transportation

HB 1813 (*Krizek*) increases from \$600,000 to \$700,000 the value of highway maintenance and construction projects eligible to be performed by state or local employees.

HB 1828 (*Roem*) authorizes the Department of Motor Vehicles, for the duration of a state of emergency declared by the governor and for up to 90 days afterward, to alter licensure, residency, registration and payment deadlines through cancellation or extension.

HB 1841 (*Keam*) directs the Commissioner of Highways to convene a working group to determine whether there should be model policies for crosswalk design and installation; a report is due in November.

HB 2054 (*Samirah*) adds reducing, modifying or waiving local parking requirements or ratios to the strategies that may be included when certain larger localities consider incorporating strategies to promote transit-oriented development in their comprehensive plans; the bill also removes from the existing strategy of increasing development density in certain areas to reduce density in others the phrase "to reduce density in others."

HB 2071 (*Convirs-Fowler*) and **SB 1350** (*Lewis*) require the Office of Intermodal Planning and Investment to indicate whether a project has been designed to be, or the project sponsor has committed that the design will be, resilient in the results of candidate project screening made public as a part of the Six-Year Improvement Program; the bill also adds resiliency to the topics to be addressed in the Statewide Transportation Plan.

HB 2118 (*Keam*) establishes the Electric Vehicle Grant Fund and Program for awarding grants to help replace diesel school buses with electric school buses, for vehicle charging infrastructure and for vehicle maintenance training.

HB 2262 (*Hurst*) requires a driver of a motor vehicle to change lanes when overtaking a bicycle when the lane of travel is not wide enough to pass at least three feet to the left; the bill also requires a workgroup to examine issues related to allowing bicycle operators to treat stop signs as yield signs.

SB 1253 (*McPike*) directs the Commonwealth Transportation Board to develop criteria to be used in the award of funds for access roads to economic development sites; such criteria shall take into account job creation, capital investment and other considerations.

SB 1260 (*Bell*) requires that for projects where the power of eminent domain may be exercised, any locality or the Commissioner of Highways shall provide a landowner with a request, at least 30 days in advance, to enter and ascertain suitability of the property for transportation purposes.

Miscellaneous

HB 2001 (*Helmer*) requires localities to design certain buildings and renovations that comply with a high-performance building certification program, which includes charging stations and tracking energy efficiency and carbon emissions. The legislation would apply to new buildings in excess of 5,000 square feet or any building renovation that exceeds 50% of the value of the building. To opt-out of the provisions, a local governing body would have to hold a public hearing, adopt a resolution and prepare a cost comparison of energy costs over 20 years versus construction without these requirements. For localities under 100,000 population, the bill has a delayed effective date of July 1, 2023.

HB 2068 (*Rasoul*) establishes the Local Food and Farming Infrastructure Grant Program to provide grants to political subdivisions in support in support of local food production and sustainable farming.

HB 2175 (*Torian*) and **SB 1327** (*McClellan*) provide various protections for homeowners and tenants of manufactured home parks, and include a requirement that localities incorporate into upcoming amendments to their comprehensive plans, strategies to promote manufactured housing as a source of affordable housing.

HB 2312 (*Herring*) and **SB 1406** (*Ebbin*) legalize the possession of up to one ounce of marijuana and up to four marijuana plants per household. The bills provide that retail sales of marijuana will not be allowed to until January 1, 2024. Generally, local authority on zoning, business licensing, or land use requirements remains in place with regard to retail marijuana establishments. Localities will be authorized to impose local taxes on retail sales, to regulate the hours retail sales can occur, and to regulate or prohibit the public use and possession of marijuana on school grounds or in parks, playgrounds, public streets or sidewalks. Localities also are authorized to hold a referendum on the question of whether retail marijuana stores should be prohibited in the locality.

SB 1197 (*Locke*) provides for an Income Housing Tax Credit, beginning for tax year 2021 until January 1, 2026, against Virginia tax liability prior to reduction by any other credits allowed the taxpayer. The total amount of tax credit shall not exceed \$15 million per calendar year.

SB 1398 (*Norment*) states that retail sales and hotel taxes on transient room rentals shall be computed on the basis of the total charges, with such funds to be targeted for tourism grants. The bill takes effect September 1, to allow for the development of guidelines on the retail sale and taxation of accommodations.

Broadband:

HB 2304 (*Tyler*) and **SB 1413** (*Boysko*) make permanent the pilot program under which investor-owned electric utilities may provide broadband capacity to unserved areas of the state. These bills, as well as **HB 1923** (*Ayala*) and **SB 1334** (*Edwards*), also expand the program to allow for the participation of municipalities and government-owned broadband authorities.

SB 1225 (*Boysko*) authorizes school boards to appropriate funds for promoting, facilitating and encouraging the expansion and operation of broadband services for educational purposes.

Education:

HB 2117 (*VanValkenburg*) and **SB 1313** (*Mason*) require that funds expended for special education services under the Children's Services Act (CSA) only be expended on programs licensed by the Department of Education (DOE). The bill adds, as a targeted population for eligibility for state pool funding, youth previously placed in private school educational programs who will receive transitional services in a public school setting. Finally, the bills call for a stakeholder group to develop a plan for transferring CSA funds for private special education day placements to the DOE. A final report is due November 1, 2022.

HB 2299 (*Carr*) and **SB 1288** (*Dunnavant*) require the DOE and Board of Education to develop new, and modify existing, policies and procedures to improve administration and oversight of special education in the Commonwealth.

SB 1257 (*McClellan*) modifies school personnel requirements to provide at least three specialized student support positions (social workers, psychologists, nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions) per 1,000 students.

Elections:

HB 1810 (*VanValkenburg*) allows for the governor to extend the online voter registration period in the event that there is a failure of the Virginia online voter registration system. This extension similarly applies to in-person and mail-in registrations.

HB 1968 (*Bagby*) allows for absentee voting in person in general registrar offices on Sundays.

HB 1890 (*Price*) and **SB 1395** (*McClellan*) prohibit any voting qualification, standard, practice or procedure from being imposed or applied in a way that results in the denial or abridgment of the right of citizens to vote based on race, color or membership in a language minority group. The bills require localities to seek public comment or pre-approval from the Virginia Attorney General on proposed voting changes. Some portions of the bills take effect September 1, 2021.

HB 2125 (*Lopez*) allows qualified persons 16 years of age or older, but who will not be 18 years of age on or before the day of the next general election, to preregister to vote. The bill takes effect October 1, 2022.

HB 2198 (*Convirs-Fowler*) provides that, in district-based or ward-based residency requirements for members of the governing body or school board, the member is to be elected by voters of that district and not by the locality at large. The bill takes effect January 1, 2022.

SB 1148 (*Kiggans*) changes the date of the primary election held in June from the second Tuesday in June to the third Tuesday in June.

SB 1157 (*Spruill*) shifts municipal elections for city and town councils and school boards from May to November, beginning with elections held after January 1, 2022.

SB 1245 (*Deeds*) makes various reforms to absentee voting processes and procedures, including requiring drop-off locations for voting ballots and a central absentee voter precinct; revising procedures for processing absentee ballots prior to election day to begin a week before the election; and providing for a ballot "cure" process for ballots that are incorrectly or incompletely filled out. The bill also directs the Department of Elections to convene a work group to consider and evaluate methods for sorting and reporting absentee ballots and their totals separately by precinct. A report is due November 15.

SB 1281 (*Morrissey*) exempts localities with a population of 50,000 or less from the requirement that a general registrar must be a qualified voter of the county or city for which he is appointed; the current exemption applies to counties and cities with a population of 25,000 or less.

SB 1331 (*Reeves*) requires the Department of Elections to make available to all localities a tool to allow voters with a visual impairment or print disability to electronically and accessibly receive and mark absentee ballots using screen reader assistive technology.

Freedom of Information (FOIA)/Conflict of Interest Act (COIA):

HB 1931 (*Levine*) would allow a member to remotely participate in a meeting of their public body due to a medical condition of an immediate family member, for two meetings, or 25% of the meetings per calendar year, whichever is greater.

HB 2004 (*Hurst*) adds investigative files relating to a criminal investigation or proceeding that is not ongoing to the types of law-enforcement and criminal records required to be released in accordance with FOIA provisions.

HB 2025 (*Gooditis*) provides that personal contact information provided to a public body for the purpose of receiving electronic communication from the body, is excluded from the mandatory disclosure provisions of FOIA.

SB 1271 (*McPike*) allows public bodies to meet electronically to provide for continuity of operations, if there is a state of emergency declared by the State or a locality.

SB 1343 (*Vogel*) excludes from FOIA mandatory disclosure provisions information used by a public body for a carbon sequestration agreement.

Procurement:

HB 1811 (*Helmer*) provides that, in the course of procuring goods, if a local public body receives two or more bids for products that meet state and federal energy efficiency requirements, the public body may only select from among those bids.

HB 2288 (*Graves*) requires bidders or offerors on construction contracts of \$250,000 or more to submit a list of all subcontractors that the bidder or offeror will use on the contract to perform work valued at \$50,000 or more, including labor and materials. The provisions do not become effective unless reenacted by the 2022 Session of the General Assembly.

STUDIES AND RESOLUTIONS

HJ 527 (*Bulova*) requests the Department of Conservation and Recreation and Department of Agriculture and Consumer Services to study the sale and use of invasive plant species, with a focus on measures to reduce or eliminate their sale and use, while promoting the sale and use of native plants. A report is due January, 2022.

HJ 537 (*Aird*) provides for General Assembly recognition that racism is a public health crisis in Virginia.

HJ 538 (*Aird*) provides for General Assembly recognition that access to clean, potable and affordable water is a necessary human right.

HJ 542 (*McQuinn*) requests the DRPT to conduct a two-year study of transit equity and modernization in Virginia, with emphasis on transit services and engagement opportunities for underserved and underrepresented communities. Its report is due August, 2022.

***HJ 555** (*Herring*) and ***SJ 272** (*Locke*) are proposed Constitutional amendments to provide that convicted felons who are released from incarceration would have their voting rights restored.

HJ 567 (*Watts*) directs the Joint Legislative Audit and Review Commission (JLARC) to study increasing the progressivity of Virginia's individual income tax system to make it more progressive and fairer in response to economic dynamics. A report is due January, 2023.

SJ 293 (*Spruill*) requests the Joint Commission on Health Care to study available data regarding assisted living and auxiliary grants, and to develop a blueprint for implementing recommendations that will provide for a more realistic system of addressing housing and care needs. Its report is due January, 2022.

SJ 294 (*Lewis*) directs JLARC to study the true cost of public education in Virginia and provide an accurate assessment of the costs to implement the Standards of Quality. The study will be conducted in 2022 and 2023.

SJ 308 (*Lucas*) directs JLARC to study the impact of COVID-19 on Virginia's public schools, students and school employees. A report is due January, 2023.

*Proposed Constitutional amendments must be passed again next year before being submitted to voters for approval.