

*Key Bills for  
Planners:*

*Virginia General  
Assembly 2015 Session*

*Final Report*

May 15, 2015





# INTRODUCTION

The following report lists key bills passed by the 2015 General Assembly. This replaces the preliminary report that was published in March 2015 and reflects the efforts of the reconvened session on April 15, 2015. Joint Resolutions do not go to the Governor and are approved once signed by Speaker of the House and President of the Senate.

Some of these provisions will require a change in local codes and ordinances while others are applicable upon their effective date without action by localities. Much depends upon the structure of local codes so local government attorneys should be consulted early and often in this process.

This report is produced as a direct service to the members of the Virginia Chapter of the American Planning Association and paid for by the members' dues.



American Planning Association  
**Virginia Chapter**

*Making Great Communities Happen*

## **Our Mission:**

The mission of APA Virginia is to promote planning as the foundation for effectively addressing the physical, economic, and social changes taking place in Virginia. The Chapter is committed to promote awareness about planning's many benefits, through effective leadership in order to enhance our practice throughout the Commonwealth.

## **Who We Are:**

APA Virginia is over 1,500 practicing professionals from the public and private sector, as well as academics and students. The American Planning Association (APA) is a nonprofit public interest and research organization committed to urban, suburban, regional, and rural planning. APA and its professional institute, the American Institute of Certified Planners (AICP), advance the art and science of planning to meet the needs of people and society.

## **Making Great Communities Happen:**

APA Virginia will support state-level planning policies that make Virginia and its communities the best place to live, work and play. Sound planning offers a key to making Virginia the best place it can be for all Virginians. Every region requires planning that promotes good jobs in livable communities. Faster growing regions have the added need for planning that recognizes pressures that are unprecedented in Virginia's history. Good planning actively involves the people of a community in the process; it combines their input on what is "valuable" for a good community with the technical facts brought by professionals and scientists. Sound planning includes an understanding of the differences between technical and value judgments and blends both appropriately to recommend a direction that moves a community toward the best place it can be for its citizens.



# TABLE OF CONTENTS

<b>Energy and Environment</b>	
Energy Efficiency	6
Environment and Water Resources	9
<b>Ethics Reform</b>	17
<b>Housing and Building Codes</b>	
Building Codes	20
Housing	20
<b>Administration of Local Government</b>	
Elections & Redistricting	28
Eminent Domain	30
FOIA	30
Local Authority	32
Local Revenue	40
<b>Planning and Land Use</b>	
Land Conservation, Open Spaces, Park Lands	47
Land Use and Growth Management	49
<b>Transportation</b>	
Funding	51
Transportation Policy	54
<b>Unfunded Mandates</b>	60
<b>Other Issues</b>	61



# Energy and Environment

## Energy Efficiency

### **HB 1843 Green job creation tax credit; extends sunset provision to January 1, 2018.**

*Chief patron:* James

Extends the green job creation tax credit for two years, through taxable year 2016.

Acts of the Assembly Chapter 486

### **HB 1950 Electric utilities; net energy metering programs.**

*Chief patron:* McClellan

Increases, from 500 kilowatts to one megawatt, the maximum generating capacity of an electrical generating facility owned or operated by an electric utility's nonresidential customer that may be eligible for participation in the utility's net energy metering program. In addition, the capacity of any generating facility installed under this section after July 1, 2015, shall not exceed the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available. The measure also (i) requires any eligible customer-generator seeking to participate in net energy metering to notify its supplier and receive approval to interconnect prior to installation of an electrical generating facility and (ii) clarifies requirements regarding the customer-generator's obligation to bear the costs of equipment required for the interconnection to the supplier's electric distribution system. The change to the definition of an "eligible customer-generator" affects the definition of a "qualified energy project" as used in the Virginia Small Business Financing Act.

Acts of the Assembly Chapter 432

### **HB 2267 Virginia Solar Energy Development Authority; created, report.**

*Chief patron:* Hugo

Creates the Virginia Solar Energy Development Authority to facilitate, coordinate, and support the development of the solar energy industry and solar-powered electric energy facilities in the Commonwealth. The Authority is directed to do so by developing programs to increase the availability of financing for solar energy projects, facilitate the increase of solar energy generation systems on public and private sector facilities in the Commonwealth, promote the growth of the Virginia solar industry, and provide a hub for collaboration between entities to partner on solar energy projects. The Authority will be composed of 11 members, of whom six will be appointed by the Governor, three will be appointed by the Speaker of the House, and two will be appointed

by the Senate Committee on Rules. Members may be representatives of solar businesses, solar customers, renewable energy financiers, state and local government solar customers, and solar research academics. The Authority is charged with, among other tasks, (i) identifying existing state and regulatory or administrative barriers to the development of the solar energy industry, (ii) collaborating with entities such as higher education institutions to increase the training and development of the workforce needed by the solar industry in Virginia, including industry-recognized credentials and certifications, (iii) applying to the U.S. Department of Energy for loan guarantees for such projects, and (iv) performing any other activities as may seem appropriate to increase solar energy generation in Virginia and the associated jobs and economic development and competitiveness benefits. The Director of the Department of Mines, Minerals and Energy may utilize nonstate-funded support to carry out any duties assigned to the Director. Funding may be provided by any source, public or private, for the purposes for which the Authority is created. The bill has a sunset date of July 1, 2025.

Acts of the Assembly Chapter 398

**SB 1037 Green job creation tax credit; sunset.**

*Chief patron:* Hanger

Extends the green job creation tax credit for five years, through taxable year 2019.

Acts of the Assembly Chapter 249

**SB 1099 Virginia Solar Energy Development Authority; created, report.**

*Chief patron:* Stuart

Creates the Virginia Solar Energy Development Authority to facilitate, coordinate, and support the development of the solar energy industry and solar-powered electric energy facilities in the Commonwealth. The Authority is directed to do so by developing programs to increase the availability of financing for solar energy projects, facilitate the increase of solar energy generation systems on public and private sector facilities in the Commonwealth, promote the growth of the Virginia solar industry, and provide a hub for collaboration between entities to partner on solar energy projects. The Authority will be composed of 11 members, of whom six will be appointed by the Governor, three will be appointed by the Speaker of the House, and two will be appointed by the Senate Committee on Rules. Members may be representatives of solar businesses, solar customers, renewable energy financiers, state and local government solar customers, and solar research academics. The Authority is charged with, among other tasks, (i) identifying existing state and regulatory or administrative barriers to the development of the solar energy industry; (ii) collaborating with entities such as higher education institutions to increase the training and development of the workforce needed by the solar industry in Virginia, including industry-recognized credentials and certifications; (iii) applying to the U.S. Department of Energy for loan



guarantees for such projects; and (iv) performing any other activities as may seem appropriate to increase solar energy generation in Virginia and the associated jobs and economic development and competitiveness benefits. The Director of the Department of Mines, Minerals and Energy may utilize non-state-funded support to carry out any duties assigned to the Director. Funding may be provided by any source, public or private, for the purposes for which the Authority is created. The bill has an expiration date of July 1, 2025.

Acts of the Assembly Chapter 90

**SB 1331 Natural Gas Conservation and Ratemaking Efficiency Act; cost-effective programs.**

*Chief patron:* Petersen

Requires the State Corporation Commission, when determining whether a natural gas conservation or energy efficiency program is cost-effective, to assign administrative costs associated with the conservation and ratemaking efficiency plan to the portfolio as a whole. The measure also requires the assignment of education and outreach costs associated with each program in a portfolio of programs to such program and not to individual measures within a program, when such administrative, education, or outreach costs are not otherwise directly assignable.

Acts of the Assembly Chapter 694

**SB 1395 Electric utilities; net energy metering programs.**

*Chief patron:* Dance

Increases, from 500 kilowatts to one megawatt, the maximum generating capacity of an electrical generating facility owned or operated by an electric utility's nonresidential customer that may be eligible for participation in the utility's net energy metering program. In addition, the capacity of any generating facility installed under this section after July 1, 2015, shall not exceed the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available. The measure also (i) requires any eligible customer-generator seeking to participate in net energy metering to notify its supplier and receive approval to interconnect prior to installation of an electrical generating facility and (ii) clarifies requirements regarding the customer-generator's obligation to bear the costs of equipment required for the interconnection to the supplier's electric distribution system. The change to the definition of an "eligible customer-generator" affects the definition of a "qualified energy project" as used in the Virginia Small Business Financing Act.

Acts of the Assembly Chapter 431

**SJ 273 Clean Power Plan; DEQ to compare projected health benefits with those of existing regulations.**

*Chief patron:* Wagner

Directs the Department of Environmental Quality to study whether the projected health benefits of the proposed federal Clean Power Plan, cited by the Environmental Protection Agency (EPA) as a benefit of the Plan, are already expected to result from the ongoing enforcement and revision of existing air quality regulations. The provisions of the resolution are contingent on funding in a 2015 general appropriation act.

Passed

## **Environment and Water Resources**

**HB 1341 Autocycles; exempted from motor vehicle emissions inspection program.**

*Chief patron:* Scott

Exempts autocycles that have not been emissions certified with an on-board diagnostic system by the U.S. Environmental Protection Agency from the motor vehicle emissions inspection program. This bill is identical to SB 1218.

Acts of the Assembly Chapter 161; effective – see bill

**HB 1364 Solid and semisolid industrial wastes; fees for testing and monitoring of land application.**

*Chief patron:* Peace

Allows localities to adopt ordinances that provide for the testing and monitoring of the land application of solid or semisolid industrial wastes. The bill requires the State Water Control Board (the Board) to adopt regulations no later than January 1, 2016, requiring persons that land-apply industrial wastes to collect a fee from the generator of the industrial wastes and remit the fee to the Department of Environmental Quality (DEQ). The bill sets the fee at \$5 per ton until altered by the Board. The bill requires the Board's regulations to include procedures for (i) collection of the fees by DEQ, (ii) deposit of the collected fees into the Sludge Management Fund (the Fund), and (iii) disbursements from the Fund to localities for the testing and monitoring of the industrial wastes. The Department of Environmental Quality is required to establish and implement a program to train the employees of the localities who will be responsible for testing and monitoring the land application of industrial wastes. The bill specifies the minimum instructional elements of the training program. This bill is identical to SB 1413.

Acts of the Assembly Chapter 677

**HB 1535 Tributary strategies; removes requirement for Secretary of Natural Resources to provide a report.**

*Chief patron:* Bulova

Repeals the requirement that the Secretary of Natural Resources report annually to certain standing committees and the Virginia delegation to the Chesapeake Bay Commission on Chesapeake Bay tributary plans. The tributary plans have been replaced by the Watershed Implementation Plans.

Acts of the Assembly Chapter 48

**HB 1536 Water Quality Improvement Act; references to obsolete tributary strategy plans.**

*Chief patron:* Bulova

Removes out-of-date references to the tributary strategy plans that appear in the Water Quality Improvement Act. The tributary strategy plans have been replaced by the Chesapeake Bay TMDL Watershed Implementation Plan as the approach for cleaning up the Chesapeake Bay.

Acts of the Assembly Chapter 164

**HB 1734 Living shorelines; loans for creation.**

*Chief patron:* Hodges

Authorizes the State Water Control Board to provide loans from the Virginia Water Facilities Revolving Fund to (i) a local government for the purpose of establishing living shorelines that protect or improve water quality and prevent water pollution or (ii) a local government that has developed a funding program to provide low-interest loans or other incentives to individuals to assist in establishing living shorelines.

Acts of the Assembly Chapter 474

**HB 1804 Onsite sewage systems; validity of certain septic tank permits.**

*Chief patron:* Knight

Provides that an owner of real property who (i) obtained a waiver to repair a failing onsite sewage system on or between July 1, 2004, and December 6, 2011, (ii) completed such repair, and (iii) voluntarily upgrades the system may request, and shall receive, a voluntary upgrade waiver.

Acts of the Assembly Chapter 111

**HB 1811 Clams, cultured; use of handheld devices for harvesting.**

*Chief patron:* Bloxom

Authorizes the Marine Resources Commission to issue permits for the use of a handheld hydraulically operated device for harvesting cultured clams from leased grounds.

Acts of the Assembly Chapter 675

**HB 1812 Chesapeake Bay Watershed Agreement; requirements of annual report.**

*Chief patron:* Bloxom

Updates the requirements for the annual report concerning the Chesapeake Bay prepared by the Secretary of Natural Resources by substituting the recently agreed-to 2014 Chesapeake Bay Watershed Agreement for the Chesapeake Bay 2000 Agreement, which is now obsolete. The recipients of the report are also updated.

Acts of the Assembly Chapter 475

**HB 1817 Flood protection plan; Department of Conservation and Recreation to regularly update.**

*Chief patron:* Stolle

Directs the Department of Conservation and Recreation to regularly update the flood protection plan for the Commonwealth and to make the plan accessible online. This is a recommendation of the Joint Subcommittee to Formulate Recommendations to Address Recurrent Flooding. This bill is identical to SB 1079.

Acts of the Assembly Chapter 172

**HB 1827 Routine highway maintenance projects; exemption from erosion and sediment control requirements.**

*Chief patron:* Scott

Exempts routine highway maintenance projects of the Virginia Department of Transportation from the requirements of the Erosion and Sediment Control Act, including the reduction of flow runoff rates. This exemption is consistent with the exemption for similar routine highway maintenance projects under the Stormwater Management Program.

Acts of the Assembly Chapter 497

**HB 1829 Toxic substances; changes time frame.**

*Chief patron:* Plum

Changes from annually to every odd-numbered year the time frame in which the Department of Environmental Quality is required to submit to the committees of oversight a report on the reduction of toxic substances in state waters.

Acts of the Assembly Chapter 173

**HB 1924 Eastern Virginia Groundwater Management Advisory Committee; established, report.**

*Chief patron:* Hodges

Establishes the Eastern Virginia Groundwater Management Advisory Committee (the Committee) to assist the Department of Environmental Quality (DEQ) in developing, revising, and implementing a management strategy for ground water in the Eastern Virginia Groundwater Management Area. The bill prohibits the State Water Control Board and the DEQ from issuing draft permits that would require reductions in the volume of permitted ground water withdrawals before December 31, 2015. The bill has a sunset date of January 1, 2018.

Acts of the Assembly Chapter 613

**HB 2067 Daylighted streams; not required to become Resource Protection Area.**

*Chief patron:* Watts

Provides that the State Water Control Board (SWCB), when developing the criteria for a Resource Protection Area (RPA) under the Chesapeake Bay Preservation Act, shall not require that a daylighted stream become an RPA. The bill requires any locality that does not designate an RPA adjacent to a daylighted stream to use a water quality impact assessment to ensure that development adjacent to the stream does not result in the degradation of the stream. The locality's assessment must (i) be consistent with the SWCB's criteria for water quality impact assessments in RPAs, (ii) identify the impacts of proposed development on water quality, and (iii) determine measures to mitigate adverse impacts. The bill defines a daylighted stream as a stream that has been previously diverted into a culvert, pipe, or other underground drainage system and is redirected into an aboveground channel using natural channel design concepts. The bill does not limit a locality's authority to include such a stream within an RPA.

Acts of the Assembly Chapter 674

**HB 2195 Fishing privileges; Marine Resources Commission authorized to revoke license to fish in tidal water.**

*Chief patron:* Lingamfelter

Authorizes the Marine Resources Commission to revoke the privilege to fish in tidal waters of any person who has been convicted of unlawfully taking oysters or other shellfish from oyster grounds. Currently, such a conviction only results in the revocation of a person's tidal fishing license. The bill also increases from two years to five years the maximum duration of the revocation of a fishing license or the privilege to fish in tidal waters. The bill also authorizes the Commission to assess a civil penalty not to exceed \$10,000 against a person if it finds the person has engaged in fishing other than for recreational purposes during the revocation period. The bill requires the Commission to consider the person's history of violating the conservation, health, and safety laws or regulations in setting the amount of the civil penalty.

Acts of the Assembly Chapter 468

**HB 2237 Electric utility ratemaking; recovery of costs of solar energy facilities.**

*Chief patron:* Yancey

Authorizes an investor-owned electric utility that purchases a generation facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, to recover the costs of acquiring the facility, with an enhanced rate of return on equity, through a rate adjustment clause. A utility filing a petition for approval of such a project may propose a rate adjustment clause based on a market index in lieu of a cost of service model for such facility. The measure also states that (i) the construction or purchase by a utility of one or more generation facilities with at least one megawatt of generating capacity, and with an aggregate rated capacity that does not exceed 500 megawatts, that use energy derived from sunlight and are located in the Commonwealth, regardless of whether any of such facilities are located within or without the utility's service territory, and (ii) planning and development activities for a new utility-owned and utility-operated generating facility or facilities utilizing energy derived from sunlight with an aggregate capacity of 500 megawatts, are in the public interest.

Acts of the Assembly Chapter 599

**HB 2246 Wood heaters; Air Pollution Control Board shall not adopt regulations that limit emissions.**

*Chief patron:* Poindexter

Prohibits the Air Pollution Control Board from adopting regulations that limit emissions from certain smaller wood heaters. The bill also prohibits the Board from enforcing any federal

regulation limiting emissions from wood heaters that was adopted after May 1, 2014.

Acts of the Assembly Chapter 471

**HB 2267 Virginia Solar Energy Development Authority; created, report.**

*Chief patron:* Hugo

Creates the Virginia Solar Energy Development Authority to facilitate, coordinate, and support the development of the solar energy industry and solar-powered electric energy facilities in the Commonwealth. The Authority is directed to do so by developing programs to increase the availability of financing for solar energy projects, facilitate the increase of solar energy generation systems on public and private sector facilities in the Commonwealth, promote the growth of the Virginia solar industry, and provide a hub for collaboration between entities to partner on solar energy projects. The Authority will be composed of 11 members, of whom six will be appointed by the Governor, three will be appointed by the Speaker of the House, and two will be appointed by the Senate Committee on Rules. Members may be representatives of solar businesses, solar customers, renewable energy financiers, state and local government solar customers, and solar research academics. The Authority is charged with, among other tasks, (i) identifying existing state and regulatory or administrative barriers to the development of the solar energy industry, (ii) collaborating with entities such as higher education institutions to increase the training and development of the workforce needed by the solar industry in Virginia, including industry-recognized credentials and certifications, (iii) applying to the U.S. Department of Energy for loan guarantees for such projects, and (iv) performing any other activities as may seem appropriate to increase solar energy generation in Virginia and the associated jobs and economic development and competitiveness benefits. The Director of the Department of Mines, Minerals and Energy may utilize nonstate-funded support to carry out any duties assigned to the Director. Funding may be provided by any source, public or private, for the purposes for which the Authority is created. The bill has a sunset date of July 1, 2025.

Acts of the Assembly Chapter 398

**HJ 566 Lewis & Clark Eastern Legacy Trail; designating as portion of Lewis & Clark National Historic Trail.**

*Chief patron:* Austin

Designates the portion of the Lewis and Clark National Historic Trail that runs through the Commonwealth as the Lewis and Clark Eastern Legacy Trail in Virginia.

Passed

**HJ 587 Stormwater regulations; impact on high water table area, report.**

*Chief patron:* DeSteph

Requests the Department of Environmental Quality to conduct a two-year study of the application of the post development stormwater management technical criteria, as established in the Virginia Stormwater Management Regulations, in areas with a seasonal high groundwater table.

Passed

**HJ 623 Water resource and planning management; JLARC to study Virginia's resources.**

*Chief patron:* Hodges

Directs the Joint Legislative Audit and Review Commission to study Virginia's water resource planning and management, particularly with regard to groundwater. This study is a recommendation of the Joint Subcommittee to Formulate Recommendations to Address Recurrent Flooding. This resolution incorporates HJ 595.

Passed

**SB 1079 Flood protection plan.**

*Chief patron:* Locke

Directs the Department of Conservation and Recreation to regularly update the flood protection plan for the Commonwealth and to make the plan accessible online. This is a recommendation of the Joint Subcommittee to Formulate Recommendations to Address Recurrent Flooding. This bill is identical to HB 1817.

Acts of the Assembly Chapter 251

**SB 1201 Stormwater; procedure for approval of dredging operations in the Chesapeake Bay Watershed.**

*Chief patron:* Wagner

Directs the State Water Control Board (the Board) to establish a procedure for the approval of dredging operations in the Chesapeake Bay watershed as a method by which to meet pollutant reduction and loading requirements. The bill provides that before the Board is required to establish the procedure, the Chesapeake Bay Program shall first approve the procedure as a creditable practice for pollutant removal. The bill requires that any dredging comply with all applicable laws. The bill also requires that any locality imposing certain stormwater fees may make funds available



for stormwater maintenance dredging, including at the point of discharge, where stormwater has contributed to the deposition of sediment in state waters.

Acts of the Assembly Chapter 753

**SB 1203 Chesapeake Bay Watershed Implementation Plan; Little Creek watershed removed from James River Basin.**

*Chief patron:* Wagner

Directs state agencies to remove the Little Creek watershed from inclusion in the James River Basin for purposes of the Chesapeake Bay Watershed Implementation Plan.

Acts of the Assembly Chapter 184

**SB 1238 Emergency Management, Department of; electromagnetic pulses and geomagnetic disturbances.**

*Chief patron:* Reeves

Requires the Department of Emergency Management, in carrying out its duties related to disaster preparedness planning and response, to specifically plan for disasters caused by electromagnetic pulses and geomagnetic disturbances.

Acts of the Assembly Chapter 97

**SB 1341 Eastern Virginia Groundwater Management Advisory Committee; established, report.**

*Chief patron:* Norment

Establishes the Eastern Virginia Groundwater Management Advisory Committee (the Committee) to assist the Department of Environmental Quality (DEQ) in developing, revising, and implementing a management strategy for ground water in the Eastern Virginia Groundwater Management Area. The bill prohibits the State Water Control Board and the DEQ from issuing draft permits that would require reductions in the volume of permitted ground water withdrawals prior to December 31, 2015, unless otherwise agreed by the permittee. The bill has a sunset date of January 1, 2018. This bill is identical to HB 1924.

Acts of the Assembly Chapter 262

**SJ 272 Virginia's water resource planning and management; JLARC to study.**

*Chief patron:* Norment

Directs the Joint Legislative Audit and Review Commission to study Virginia's water resource planning and management, particularly with regard to groundwater and surface water. This study is a recommendation of the Joint Subcommittee to Formulate Recommendations to Address Recurrent Flooding.

Passed

## **Ethics Reform**

**HB 1618 Virginia Freedom of Information Act; resource management plans, closed meetings.**

*Chief patron:* Scott

Creates an open meeting exemption for those meetings or portions of meetings of a Resource Management Plan Technical Review Committee, a Soil and Water Conservation District Board, a review committee of the Department of Conservation and Recreation, or the Virginia Soil and Water Conservation Board when such body discusses or considers records currently excluded from FOIA. The bill provides that this exemption shall not apply, however, to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

Acts of the Assembly Chapter 169

**HB 2070 State and Local Government Conflict of Interests Act, General Assembly Conflicts of Interests Act.**

*Chief patron:* Gilbert

Removes the distinction between tangible and intangible gifts and prohibits any state or local officer or employee, member of the General Assembly, and certain candidates from soliciting, accepting, or receiving a single gift with a value exceeding \$100 from certain persons. The bill also prohibits the immediate family of such officers, employees, members, or candidates from soliciting, accepting, or receiving such gifts. The bill provides an exception for gifts received at widely attended events, which are those events in which there is a reasonable expectation that at least 25 persons will attend the event. The bill requires disclosure of any single gift or entertainment, or any combination of gifts or entertainment, with a value exceeding \$50. The bill also requires persons subject to the Conflict of Interest Acts to request a approval from the Virginia

Conflict of Interest and Ethics Advisory Council and receive the approval of the Council prior to accepting or receiving any travel-related transportation, lodging, meal, hospitality, or other thing of value provided by certain third parties that has a value exceeding \$100. The bill requires electronic filing of disclosure forms with the Council and provides that local officers and employees will file disclosure forms locally instead of with the Council. The bills provides that the making of a knowing and intentional false statement on a disclosure form is punishable as a Class 5 felony. The bill also prohibits the Governor, his campaign committee, and any political action committee established on his behalf from knowingly soliciting or accepting a contribution, gift, or other item with a value greater than \$100 from persons and entities seeking loans or grants from the Governor's Development Opportunity Fund, restricts such gifts and contributions from persons and entities seeking loans or grants from the Fund, and provides that any violation shall result in a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater. This bill incorporates HB 1598, HB 1667, HB 1689, HB 1919, HB 1947, and HB 2060.

Acts of the Assembly Chapter 763; effective – see bill

**SB 876 Conflict of Interests Act, State and Local Government; prohibited contracts by hospital authorities.**

*Chief patron:* Cosgrove

Clarifies that officers and employees of hospital authorities are included under the prohibited contract provisions for local officers and employees under the State and Local Government Conflict of Interests Act. The bill also lists exclusions from the general contract prohibitions that are specific to officers and employees of hospital authorities.

Acts of the Assembly Chapter 699

**SB 1133 State and local government officers and employees; prohibited conduct, retaliation.**

*Chief patron:* Garrett

Prohibits a state or local government officer or employee from using his public position to retaliate or threaten retaliation against any person for expressing views on matters of public concern or for exercising any right that is otherwise protected by law. The bill provides, however, that it does not restrict the authority of any public employer to govern conduct of its employees, and to take disciplinary action, in accordance with applicable law or does not limit the authority of a constitutional officer to discipline or discharge an employee with or without cause.

Acts of the Assembly Chapter 574

**SB 1424 Conflicts of Interests Act, State & Local Government, & General Assembly, etc.; ethics reforms.**

*Chief patron:* Norment

Authorizes the Virginia Conflict of Interest and Ethics Advisory Council to (i) prescribe, receive, and review all disclosure forms required by the State and Local Government Conflict of Interests Act, the General Assembly Conflicts of Interests Act, and the lobbying laws; (ii) conduct annual inspections of those disclosure forms; (iii) issue advisory opinions; (iv) grant waivers for certain travel and gifts; and (v) refer certain violations to the appropriate authority for assessment of civil penalties. The bill modifies the current composition of the Council, reducing the number of members from 15 to 9 and requires there be bipartisan balance of the General Assembly members appointed to the Council. The bill prohibits any single gift or any combination of gifts in a calendar year with a value exceeding \$100 from any single source to those persons subject to the Conflicts of Interests Acts and members of their immediate family. Certain gifts are exempt from the \$100 limit on gifts, including gifts from business associates, relatives, gifts received in conjunction with a personal celebration or while in attendance at a widely attended event, or travel-related gifts for which the Council granted a waiver. Gifts for which the filer has reimbursed the giver for the full value of the gift are not required to be disclosed. The bill removes the required disclosure forms from the Code, outlines the required information to be reported on the disclosure forms, authorizes the Council to prescribe the forms, and requires all disclosure forms be filed electronically with the Council. The bill also prohibits the Governor, his campaign committee, and any political action committee established on his behalf from knowingly soliciting or accepting a contribution, gift, or other item with a value greater than \$50 from persons and entities seeking loans or grants from the Governor's Development Opportunity Fund, restricts such gifts and contributions from persons and entities seeking loans or grants from the Fund, and provides that any violation shall result in a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater.

Acts of the Assembly Chapter 777; effective – see bill

# Housing and Building Codes

## Building Codes

### **HB 2094 Building Code; limitation of prosecution for violations.**

*Chief patron:* Peace

Provides that prosecutions for Building Code violations relating to the maintenance of existing buildings or structures shall commence within one year of the issuance of a notice of violation for the offense by the building official. Under current law, such prosecutions shall commence within one year of the discovery of the offense by the building official.

Acts of the Assembly Chapter 176

### **HB 2283 Virginia-recognized Indian tribes; enforcement of Uniform Statewide Building Code.**

*Chief patron:* Hodges

Authorizes a state-recognized Indian tribe to be responsible for the enforcement of the Uniform Statewide Building Code (USBC) on any Indian reservation recognized by the Commonwealth if the Indian tribe has adopted the USBC by tribal ordinance and (i) assumed sole responsibility for existing buildings and new construction on the reservation and (ii) retained firms or individuals to function as the building official for purposes of enforcing the ordinance.

Acts of the Assembly Chapter 135

## Housing

### **HB 1285 Workers' compensation; definition of employee; property owners' associations.**

*Chief patron:* Scott

Amends the definition of employee within the Virginia Workers' Compensation Act to exclude noncompensated employees, directors, and executive officers of any entity that constitutes a property owners' association under the provisions of the Property Owners' Association Act.

Acts of the Assembly Chapter 442

**HB 1471 Affordable housing; City of Fairfax added to list of localities with authority to provide.**

*Chief patron:* Bulova

Adds the City of Fairfax to the list of localities with authority to provide for an affordable dwelling unit program under § 15.2-2304.

Acts of the Assembly Chapter 390

**HB 1632 Common Interest Community Board; duties.**

*Chief patron:* Bulova

Requires the Common Interest Community Board to develop and publish best practices for the content of declarations consistent with the requirements of the Property Owners' Association Act.

Acts of the Assembly Chapter 268

**HB 1642 Virginia Residential Property Disclosure Act; representations related to special flood hazard areas.**

*Chief patron:* Stolle

Requires the owner's representation to a prospective purchaser of residential property under the Virginia Residential Property Disclosure Act that the owner makes no representations with respect to whether the property is located in one or more special flood hazard areas and purchasers are advised to exercise whatever due diligence they deem necessary, including (i) obtaining a flood certification or mortgage lender determination of whether the property is located in one or more special flood hazard areas, (ii) review of any map depicting special flood hazard areas, and (iii) whether flood insurance is required, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract. The bill contains technical amendments.

Acts of the Assembly Chapter 269

**HB 1739 Landlord and tenant laws; applicability to campgrounds.**

*Chief patron:* Hodges

Provides that campgrounds are not subject to the landlord and tenant law or the Virginia Residential Landlord and Tenant Act. The bill contains technical amendments.

Acts of the Assembly Chapter 394

**HB 1794 Foreclosure sale by trustee in execution of deed of trust; advertisement of time-share properties.**

*Chief patron:* Knight

Allows the optional streamlined advertisement of a time-share property being foreclosed upon, requiring publication of the time, place, and date of sale; identification of the time-share being sold; contact information for obtaining further information about the sale; and a website address where more complete information and documentation can be obtained. The bill is a recommendation of the Virginia Housing Commission.

Acts of the Assembly Chapter 401

**HB 1795 Virginia Real Estate Board; exemptions from licensure.**

*Chief patron:* Knight

Provides that the exemption from licensure provided for the owner of property extends in the case of property governed by the Virginia Real Estate Time-Share Act to affiliated entities of the owner where (i) the owner has a controlling interest in the affiliated entity or (ii) the affiliated entity and the owner have a common parent company.

Acts of the Assembly Chapter 272

**HB 1867 Virginia Residential Landlord and Tenant Act; visible mold remediation, obligation of landlord.**

*Chief patron:* Krupicka

Provides that where there is visible evidence of mold in a dwelling unit, the landlord shall promptly remediate the mold conditions in accordance with the requirements for visible mold remediation and re-inspect the dwelling unit to confirm that there is no longer any visible evidence of mold in the dwelling unit. The bill requires the landlord to make available to the tenant copies of any available written information related to the remediation of mold.

Acts of the Assembly Chapter 274

**HB 1905 Landlord and tenant law; retaliatory conduct by landlord.**

*Chief patron:* Lopez

Removes the requirement in the Virginia Residential Landlord Tenant Act that the court determine that the "primary" reason for a landlord taking an action for possession or termination of a rental

agreement is retaliation. The tenant continues to have the burden of proving retaliatory intent. The bill also adds in landlord and tenant law a provision prohibiting retaliatory conduct by the landlord.

Acts of the Assembly Chapter 408

**HB 1965 Virginia Contractor and Real Estate Transaction Recovery Funds; conforms provisions.**

*Chief patron:* Rust

Clarifies the eligibility requirements for citizens to make a claim under either the Contractor Transaction Recovery Funds or the Real Estate Transaction Recovery Fund, and conforms the provisions of the Virginia Real Estate Transaction Recovery Fund to the provisions of the Contractor Transaction Recovery Fund. The bill contains technical amendments.

Acts of the Assembly Chapter 409

**HB 2055 Condominium Act; suspension of voting rights.**

*Chief patron:* Pogge

Provides that except to the extent that the condominium instruments provide otherwise, the voting interest allocated to the unit or member that has been suspended by the unit owners' association or the executive organ pursuant to the condominium instruments shall not be counted in the total number of voting interests used to determine the quorum for any meeting or vote under the condominium instruments. The bill contains a technical amendment.

Acts of the Assembly Chapter 214

**HB 2080 Condominium Act and Property Owners' Association Act; notice of sale under deed of trust.**

*Chief patron:* Leftwich

Clarifies that the required notice of a sale under a deed of trust applies to individual residential lots located in a development subject to the Property Owners' Association Act. The bill also provides that upon receipt of such notice, the governing body of a unit owners' association or of a property owners' association, on behalf of the association, shall exercise whatever due diligence it deems necessary with respect to the unit or lot subject to such sale to protect the interests of the association. In addition, the bill (i) amends the definition of "unit owner" in the Virginia Condominium Act to include any purchaser of a condominium unit at a foreclosure sale, regardless of whether the deed is recorded in the land records where the unit is located, and (ii) adds a definition of "lot owner" in the Virginia Property Owners' Association Act.

Acts of the Assembly Chapter 410



**HB 2100 Condominium and Property Owners' Association Acts; allowable charges, rental of units.**

*Chief patron:* Peace

Conforms the Condominium Act to the Property Owners' Association Act with regard to the prohibition on a unit owners' association from charging any fees not expressly authorized by law or in the declaration. The bill also (i) provides that an association may not limit or prohibit an owner from renting his unit or lot and may not charge fees for any rental or other processing fee in excess of \$50 as a condition of approval of the rental, (ii) sets new rules for providing association disclosure documents electronically, and (iii) requires an association to maintain a website link for 90 days months where the disclosure packet is delivered through the link. The bill contains technical amendments.

Acts of the Assembly Chapter 277

**HB 2161 Deeds of trust or mortgages; calculation of tax shall be calculated using rate scale, etc.**

*Chief patron:* Minchew

Clarifies and makes substantive and technical changes to state recordation taxes and fees, including requiring that the recordation tax on any deed of trust that is supplemental to an existing deed of trust be calculated only on that portion of the debt that is in addition to the original debt on which the tax has been paid. Under current law, such calculation of the recordation tax is restricted to supplemental deeds of trust with the same lender. This bill incorporates HB 1968 and is identical to SB 999.

Acts of the Assembly Chapter 488

**SB 762 Tenancy by the entirety; property held in trust.**

*Chief patron:* Edwards

Clarifies that the proceeds of the sale of property held as tenants by the entirety in a trust retain the same immunity from a separate creditor of one spouse as is provided for the property itself. The bill also clarifies that property held in trust where both spouses are beneficiaries of one trust or where each spouse is a beneficiary of a separate trust and the two separate trusts together hold the entire property is a tenancy by the entirety, provided that the other requirements for such a tenancy are met. Finally, the bill clarifies that the creditor protection provided under current law may be waived. The provisions of this bill are declaratory of existing law.

Acts of the Assembly Chapter 424

**SB 889 Affordable dwelling units; City of Fairfax authorized to adopt zoning ordinance to provide.**

*Chief patron:* Petersen

Adds the City of Fairfax to the list of localities whose governing bodies are authorized to adopt zoning ordinances that provide for an affordable housing dwelling unit program.

Acts of the Assembly Chapter 605

**SB 999 Deeds of trust or mortgages; calculation of tax shall be calculated using rate scale, etc.**

*Chief patron:* Stuart

Clarifies and makes substantive and technical changes to state recordation taxes and fees, including requiring that the recordation tax on any deed of trust that is supplemental to an existing deed of trust be calculated only on that portion of the debt that is in addition to the original debt on which the tax has been paid. Under current law, such calculation of the recordation tax is restricted to supplemental deeds of trust with the same lender. This bill is identical to HB 2161.

Acts of the Assembly Chapter 434

**SB 1008 Condominium and Property Owners' Association Acts; statement of unit and lot owner rights.**

*Chief patron:* Petersen

Provides that every unit owner under the Virginia Condominium Act and every lot owner under the Property Owners' Association Act, who is a member in good standing of the unit owners' association or property owners' association has the right (i) of access to all books and records kept by or on behalf of the association, (ii) to cast a vote on any matter requiring a vote by the association's membership in proportion to the unit or lot owner's ownership interest, (iii) to have notice of any meeting of the executive organ or board of directors and to record and participate in such meeting, (iv) to have notice of any proceeding conducted against the unit or lot owner to enforce any rule or regulation of the association and the opportunity to be heard and represented by counsel at such proceeding, and (v) to serve on the executive organ or board of directors if duly elected.

Acts of the Assembly Chapter 286

**SB 1015 Advertisement of foreclosure sale by a trustee or trustees in execution of a deed of trust.**

*Chief patron:* Cosgrove

Allows the optional streamlined advertisement of a time-share property being foreclosed upon, requiring publication of the time, place, and date of sale; identification of the time-share being sold; contact information for obtaining further information about the sale; and a website address where more complete information and documentation can be obtained. The bill is a recommendation of the Virginia Housing Commission.

Acts of the Assembly Chapter 23

**SB 1157 Condominium Act and Property Owners' Association Act; notice of sale under deed of trust.**

*Chief patron:* Cosgrove

Clarifies that the required notice of a sale under a deed of trust applies to individual residential lots located in a development subject to the Property Owners' Association Act. The bill also provides that upon receipt of such notice, the governing body of a unit owners' association or of a property owners' association, on behalf of the association, shall exercise whatever due diligence it deems necessary with respect to the unit or lot subject to such sale to protect the interests of the association. In addition, the bill (i) amends the definition of "unit owner" in the Virginia Condominium Act to include any purchaser of a condominium unit at a foreclosure sale, regardless of whether the deed is recorded in the land records where the unit is located, and (ii) adds a definition of "lot owner" in the Virginia Property Owners' Association Act.

Acts of the Assembly Chapter 93

**SB 1245 Affordable housing in the City of Charlottesville; income level.**

*Chief patron:* Deeds

Amends Chapter 693 of the Acts of Assembly of 2008, as amended by Chapter 527 of the Acts of Assembly of 2013, which authorized the City of Charlottesville to require developers to either provide Affordable Dwelling Units or make a contribution to the city's affordable housing fund in connection with certain projects. The bill raises the maximum income level of a household deemed eligible for an Affordable Dwelling Unit from 60 percent to 80 percent of the area median income. The bill also authorizes the city to establish a minimum term for the units to remain affordable as it deems necessary to ensure the creation of Affordable Dwelling Units.

Acts of the Assembly Chapter 225

**SB 1390 Virginia Condominium Act; meetings of the unit owners' association, failure to obtain a quorum.**

*Chief patron:* Marsden

Provides for a unit owners' association or unit owner to petition the circuit court to order a meeting of the unit owner's association for the purpose of the election of officers if (i) no annual meeting has been held due to the failure to obtain a quorum of unit owners as specified in the condominium instruments, and (ii) the unit owners' association has made good faith attempts to convene a duly called annual meeting of the unit owners' association in three successive years that have been unsuccessful due to the failure to obtain a quorum.

Acts of the Assembly Chapter 430

**SJ 235 Virginia Housing Trust Fund; revenue sources, report.**

*Chief patron:* Watkins

Directs the Virginia Housing Commission to study methods to evaluate and determine a dedicated revenue source for the Virginia Housing Trust Fund.

Passed

# Administration of Local Government

## Elections & Redistricting

### **HB 1433 General registrars; reassigning duties of the electoral board.**

*Chief patron:* Cole

Reassigns duties of the electoral board related to absentee voting and campaign finance to the general registrars.

Acts of the Assembly Chapter 644

### **HB 2056 Registered voters; persons who voted in certain elections, no disclosure of social security numbers.**

*Chief patron:* Sickles

Requires the local electoral boards to provide to the Department of Elections within 14 days after the election the list of persons who voted, including those who voted provisionally and were determined to be entitled to vote, unless the local electoral board does not use electronic pollbook, in which case the electoral board is required to submit such lists within seven days of the pollbook being released from the possession of the clerk of court. Current law requires such lists be submitted to the Department of Elections within 60 days. The bill also contains technical amendments to reflect the administrative reorganization of the Department of Elections that took effect July 1, 2014.

Acts of the Assembly Chapter 712

### **HB 2062 Elections administration; pre-election and post-election activities.**

*Chief patron:* Sickles

Makes technical amendments to certain pre-election and post-election activities, including voter registration, voting system requirements in polling places, and recounts, that reflect the administrative reorganization of the Department of Elections that took effect July 1, 2014. The bill also requires confirmation documents, instead of voter registration cards, to notify voters of changes in registration records and polling places and reassigns the duty of posting recount changes to the Department of Elections. The Department is also added to the list of entities that may advise a court during a recount. The bill also requires that a precinct having more than 4,000 registered voters to be provided with no less than two ballot scanner machines at a presidential election.

Acts of the Assembly Chapter 740

### **HB 2379 Voter list maintenance; SBE shall utilize data received through list comparisons**

**with other states.**

*Chief patron:* Bell, Robert B.

Requires the State Board of Elections to use the data it receives as a member of interstate cross-check systems to maintain the overall accuracy of the voter registration system by identifying duplicate registrations, voters who no longer reside in the Commonwealth, and other persons who are no longer entitled to be registered.

Acts of the Assembly Chapter 713

**SB 1062 Presidential elections; number of officers of election and ballot scanner machines.**

*Chief patron:* Obenshain

Requires any precinct having more than 4,000 registered voters to have not less than five officers of election serving at a presidential election and requires the electoral board to appoint additional officers as may be needed to comply with this requirement. The bill also requires the governing body of a county or city that uses ballot scanner machines at elections to provide for any precinct having more than 4,000 registered voters not less than two such machines at a presidential election, but provides an exception for localities that determine a second scanner is not necessary at a particular precinct on the basis of voter turnout and the average wait time for voters in previous presidential elections. Current law requires not less than three officers of election and at least one ballot scanner machine at each precinct.

Acts of the Assembly Chapter 667

**SB 1351 Polling place; authorized representative of political party, permitted handheld wireless devices.**

*Chief patron:* Vogel

Removes the prohibition against use of handheld wireless communication devices containing a camera or other imaging device by authorized representatives of political parties inside a polling place or central absentee voter precinct, except when such device is being used to capture a digital image inside the polling place or central absentee voter precinct.

Acts of the Assembly Chapter 575

## **Eminent Domain**

### **SB 1435 Eminent domain; lost profits and just compensation.**

*Chief patron:* Deeds

Requires any and all liability for lost profits claimed in an action for compensation pursuant to a taking under eminent domain to be set forth specifically in the award for just compensation, and that in a partial acquisition, in the event that the owner of the property being condemned and the owner of the business or farm operation claiming lost profits are the same, then any enhancement shall be offset against both damage to the residue and lost profits. The provisions of the bill do not apply to any condemnation in which a certificate of take or certificate of deposit was recorded prior to July 1, 2007 or in which a petition for condemnation was filed prior to July 1, 2007.

Acts of the Assembly Chapter 642

## **FOIA**

### **HB 1618 Virginia Freedom of Information Act; resource management plans, closed meetings.**

*Chief patron:* Scott

Creates an open meeting exemption for those meetings or portions of meetings of a Resource Management Plan Technical Review Committee, a Soil and Water Conservation District Board, a review committee of the Department of Conservation and Recreation, or the Virginia Soil and Water Conservation Board when such body discusses or considers records currently excluded from FOIA. The bill provides that this exemption shall not apply, however, to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

Acts of the Assembly Chapter 169

### **HB 1633 Virginia Freedom of Information Act; record exemption for certain health records.**

*Chief patron:* Gilbert

Clarifies that records of certain health care committees and entities, to the extent that they reveal information that may be withheld from discovery as privileged communications, are exempt from disclosure under FOIA.

Acts of the Assembly Chapter 127

**HB 2104 Virginia Freedom of Information Act; records held by VCU/MCV.**

*Chief patron:* Peace

Provides that the record and open meeting exemptions for VCU Medical Center shall also apply when the records are in the possession of VCU or the discussion of certain matters occur at a meeting of the Virginia Commonwealth University Board of Visitors.

Acts of the Assembly Chapter 549

**SB 968 Virginia Freedom of Information Act; record exemption for certain health records.**

*Chief patron:* Ruff

Clarifies that records of certain health care committees and entities, to the extent that they reveal information that may be withheld from discovery as privileged communications, are exempt from disclosure under FOIA.

Acts of the Assembly Chapter 22

**SB 969 Virginia Freedom of Information Act; exception to open meeting requirements.**

*Chief patron:* Ruff

Clarifies that the gathering or attendance of two or more members of a public body (i) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body, or (ii) at a public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to transact public business or to hold discussions relating to the transaction of public business, even though the performance of the members individually or collectively in the conduct of public business may be a topic of discussion or debate at such public meeting, is not a meeting under FOIA. The bill contains a technical amendment.

Acts of the Assembly Chapter 131

**SB 1109 Virginia Freedom of Information Act; expands open meeting exemptions.**

*Chief patron:* Stuart

Expands the open meeting exemption for the discussion of plans to protect public safety as it relates to terrorism and security of governmental facilities to include the discussion of specific cybersecurity threats or vulnerabilities, including the discussion of related records excluded from



FOIA, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program. The bill contains an emergency clause that provides that the bill will become in force upon its passage.

EMERGENCY

Acts of the Assembly Chapter 182; effective 3/16/15

**SB 1129 FOIA; expands record exemption for public safety, cybersecurity.**

*Chief patron:* Stuart

Expands the current record exemption for plans and information to prevent or respond to terrorism to include information not lawfully available to the public regarding specific cybersecurity vulnerabilities or security plans and measures of an entity, building structure, information technology system, or software program. The bill contains an emergency clause making it in force upon its passage. The bill contains technical amendments.

EMERGENCY

Acts of the Assembly Chapter 183; effective 3/16/15

## **Local Authority**

**HB 1291 Real property tax; notice of assessments.**

*Chief patron:* Ware

Clarifies that the information required on the notice of assessment regarding assessments in the immediately prior two tax years refers to the immediately prior two tax years' final assessments. This bill is identical to SB 678.

Acts of the Assembly Chapter 151

**HB 1392 Emergency contact program; DMV may establish.**

*Chief patron:* Garrett

Provides that DMV may establish an emergency contact program to allow customers to give DMV the name of an emergency contact person and related emergency contact information, which the customer may update or delete electronically at any time, to be kept in the customer's DMV record

and made available to law-enforcement officers in emergency situations. The bill has a delayed effective date of January 1, 2016.

Acts of the Assembly Chapter 162; effective 1/1/16

**HB 1424 Virginia Water and Waste Authorities Act; delinquent payment.**

*Chief patron:* Marshall, D.W.

Repeals the provisions of the Act that make the non-occupant owner of a property liable for up to 90 days of delinquent payments under certain circumstances.

Acts of the Assembly Chapter 263

**HB 1471 Affordable housing; City of Fairfax added to list of localities with authority to provide.**

*Chief patron:* Bulova

Adds the City of Fairfax to the list of localities with authority to provide for an affordable dwelling unit program under § 15.2-2304.

Acts of the Assembly Chapter 390

**HB 1531 Speed limits in school zones; counties allowed to increase or decrease.**

*Chief patron:* Minchew

Allows counties to increase or decrease the speed limits in school zones; current law allows cities and towns to do so. The bill also removes the authority for VDOT to change the speed limit in a school zone after the locality has changed the speed limit in the same school zone.

Acts of the Assembly Chapter 459

**HB 1544 Emergency vehicles; vehicle illuminated identification systems.**

*Chief patron:* Fariss

Allows emergency vehicles to be equipped with illuminated identification systems that assist aircraft in reading numbers and other identifying markings on the roofs of the emergency vehicles.

Acts of the Assembly Chapter 333

**HB 1553 Local notifications; locality may by ordinance establish system to deliver to residents by email.**

*Chief patron:* Marshall, D.W.

Provides that any locality may by ordinance establish a system to deliver deliver notifications to residents by email, phone, text message or other similar means of communication. Such ordinance shall be adopted only after a public hearing and shall contain an opt-in provision for non-emergency notifications. Existing notification systems shall be deemed to meet the requirements of the bill.

Acts of the Assembly Chapter 192

**HB 1593 Parking in residential areas; localities may by ordinance permit in a public right-of-way.**

*Chief patron:* Cole

Provides that localities may by ordinance permit the parking of vehicles within residential areas in a public right-of-way that constitutes a part of the state highway system so long as the vehicle does not obstruct the right-of-way.

Acts of the Assembly Chapter 233

**HB 1594 Outdoor advertising; regulation by county governing bodies.**

*Chief patron:* Cole

Allows county governing bodies to take over from the Commissioner of Highways the regulation of authorized outdoor advertising or notices that are on public park or school property owned by the county and are not visible from interstates or other components of the National Highway System.

Acts of the Assembly Chapter 607

**HB 1628 Virginia Public Procurement Act; contract modification.**

*Chief patron:* Albo

Provides that the contract modification provisions of the Virginia Public Procurement Act do not limit the amount a party to a public contract may claim or recover against a public body in the event of a contract dispute. The bill provides that modifications made by a political subdivision that fail to comply with the above provisions are voidable at the discretion of the governing body, and unauthorized approval of a modification cannot be the basis of a contractual claim under the Virginia Public Procurement Act.

Acts of the Assembly Chapter 569

**HB 1637 Virginia Public Procurement Act; job order contracts and design professional contracts.**

*Chief patron:* Minchew

Decreases the population threshold for localities for the procurement of architectural and engineering services from 80,000 to 78,000 and increases the single project limit for architectural and engineering services for such localities from \$2 million to \$2.5 million and the aggregate limit for projects performed in a one-year contract term from \$5 million to \$6 million.

Acts of the Assembly Chapter 570

**HB 1835 Virginia Public Procurement Act (VPPA); methods of procurement.**

*Chief patron:* Gilbert

Clarifies that small purchase procedures include the procurement of non transportation-related construction and that any such procedures shall not waive compliance with the Uniform State Building Code. The bill adds independent agencies of the Commonwealth to the definition of public body under the VPPA. The bill also increases contract amounts for job order contracting and provides that (i) order splitting with the intent of keeping a job order under the maximum dollar amounts prescribed is prohibited, (ii) no public body shall issue or use a job order, under a job order contract, solely for the purpose of receiving professional architectural or engineering services that constitute the practice of architecture or the practice of engineering as those terms are defined in § 54.1-400. However, professional architectural or engineering services may be included on a job order where such professional services are (a) incidental and directly related to the job, (b) do not exceed \$25,000 per job order, and (c) do not exceed \$75,000 per contract term., and (iii) job order contracting shall not be used for construction, maintenance, or asset management services for a highway, bridge, tunnel, or overpass. The bill clarifies the provisions of the VPPA related to cooperative procurement and requires that by October 1, 2017, the Department of Small Business and Supplier Diversity, public institutions of higher education having level 2 or 3 authority under the Restructured Higher Education Financial and Administrative Operations Act of 2005, any state agency utilizing job order contracting, and the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Association of Governmental Purchasing on behalf of local public bodies working cooperatively report their respective experiences and findings relating to the appropriateness and effectiveness of job order contracting in general, the job order project cost limitations as added by this bill, and the architectural and professional engineering term contract limits to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology. The bill also requires for construction projects in excess of \$2 million, a public body, including public institutions of higher education, provide their justification for use of any procurement method, other than competitive sealed bidding, to the Director of the

Department of General Services. The bill requires the State Corporation Commission (SCC) to develop a process for the administrative review of its procurement decisions that is consistent with the Constitution of Virginia. The bill further provides that its provisions shall not apply to any solicitation issued or contract awarded before July 1, 2015, except that the provisions of subsection B of § 2.2-4303.2, as added by this bill, shall apply to any renewal of a job order contract. The bill contains numerous technical amendments and is a recommendation of the General Laws Special Joint Subcommittee Studying the Virginia Public Procurement Act.

Acts of the Assembly Chapter 760

**HB 2173 Real property tax; waiver of delinquent taxes.**

*Chief patron:* Orrock

Authorizes any locality to waive delinquent taxes on real property in exchange for the owner's donating the property to Habitat for Humanity or other similar nonprofit organization.

Acts of the Assembly Chapter 498

**HB 2178 Hybrid retirement program; disclosure of services, etc., associated with voluntary contributions.**

*Chief patron:* Poindexter

Allows school divisions the option of establishing and administering their own deferred compensation and cash match plans for the hybrid retirement program. Employees of such school divisions would have the option of participating in such programs. The bill has a delayed effective date of January 1, 2016. The bill is identical to SB1162.

Acts of the Assembly Chapter 539; effective – see bill

**SB 678 Real property tax; notice of assessments.**

*Chief patron:* Watkins

Clarifies that the information required on the notice of assessment regarding assessments in the immediately prior two tax years refers to the immediately prior two tax years' final assessments. This bill is identical to HB 1291.

Acts of the Assembly Chapter 157

**SB 721 Seizure of property; receipt required.**

*Chief patron:* Marsden

Requires the agency seizing property to issue a receipt itemizing the property seized within three days after the seizure.

Acts of the Assembly Chapter 769

**SB 759 Transient occupancy tax; Isle of Wight County authorized to impose a tax of up to two percent.**

*Chief patron:* Lucas

Adds the County of Isle of Wight to the list of counties authorized to impose a transient occupancy tax of up to five percent, with any excess over two percent to be designated and spent solely for tourism purposes.

Acts of the Assembly Chapter 78

**SB 868 Water or sewer systems; delinquent payment of rates and charges.**

*Chief patron:* Chafin

Repeals a provision of the Virginia Water and Waste Authorities Act that limits a landlord's liability for a tenant's separately metered sewer or water charges to three delinquent billing periods of no more than 90 days in total. The provision being repealed also prohibits a water or sewer authority from refusing service to the affected premises, or other premises of the landlord, on account of the delinquency as long as the landlord has paid the charges for which he is liable.

Acts of the Assembly Chapter 284

**SB 1046 Benefits consortium; formation of a not-for-profit consortium by localities.**

*Chief patron:* Hanger

Authorizes the governing bodies of three or more cities, counties, or school boards, if they comprised the membership of a multiple employer welfare arrangement on December 31, 2014, to form a benefits consortium for the purpose of establishing a self-funded employee welfare benefit plan. The benefits consortium will be a nonstock corporation established to operate a benefits plan. Each member of the benefits consortium shall be contractually liable for its allocated share of the consortium's liabilities. The benefits consortium will be exempt from taxation and from insurance regulations.

Acts of the Assembly Chapter 136

**SB 1162 Hybrid retirement program; disclosure of services, etc., associated with voluntary contributions.**

*Chief patron:* Watkins

Allows school divisions the option of establishing and administering their own deferred compensation and cash match plans for the hybrid retirement program. Employees of such school divisions would have the option of participating in such programs. The bill has a delayed effective date of January 1, 2016.

Acts of the Assembly Chapter 538; effective – see bill

**SB 1226 Virginia Public Procurement Act; requirements for Requests for Proposal.**

*Chief patron:* Reeves

Provides that Requests for Proposal (RFP) include the specifics of any scoring system to be used and indicate the weight that will be given to individual components of a proposal. The bill also provides that if a numerical system is used, the point values assigned to each of the evaluation criteria must be included in the RFP or posted at the location designated for public posting of procurement notices prior to the due date and time for receiving proposal.

Acts of the Assembly Chapter 350

**SB 1371 Virginia Public Procurement Act (VPPA); methods of procurement.**

*Chief patron:* Ruff

Clarifies that small purchase procedures include the procurement of non transportation-related construction and that any such procedures shall not waive compliance with the Uniform State Building Code. The bill adds independent agencies of the Commonwealth to the definition of public body under the VPPA. The bill also increases contract amounts for job order contracting and provides that (i) order splitting with the intent of keeping a job order under the maximum dollar amounts prescribed is prohibited, (ii) no public body shall issue or use a job order, under a job order contract, solely for the purpose of receiving professional architectural or engineering services that constitute the practice of architecture or the practice of engineering as those terms are defined in § 54.1-400. However, professional architectural or engineering services may be included on a job order where such professional services are (a) incidental and directly related to the job, (b) do not exceed \$25,000 per job order, and (c) do not exceed \$75,000 per contract term., and (iii) job order contracting shall not be used for construction, maintenance, or asset management services for a highway, bridge, tunnel, or overpass. The bill clarifies the provisions of the VPPA related to cooperative procurement and requires that by October 1, 2017, the Department of Small Business and Supplier Diversity, public institutions of higher education having level 2 or 3 authority under the Restructured Higher Education Financial and Administrative Operations Act of 2005, any state

agency utilizing job order contracting, and the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Association of Governmental Purchasing on behalf of local public bodies working cooperatively report their respective experiences and findings relating to the appropriateness and effectiveness of job order contracting in general, the job order project cost limitations as added by this bill, and the architectural and professional engineering term contract limits to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology. The bill also requires for construction projects in excess of \$2 million, a public body, including public institutions of higher education, provide their justification for use of any procurement method, other than competitive sealed bidding, to the Director of the Department of General Services. The bill requires the State Corporation Commission (SCC) to develop a process for the administrative review of its procurement decisions that is consistent with the Constitution of Virginia. The bill further provides that its provisions shall not apply to any solicitation issued or contract awarded before July 1, 2015, except that the provisions of subsection B of § 2.2-4303.2, as added by this bill, shall apply to any renewal of a job order contract. The bill contains numerous technical amendments and is a recommendation of the General Laws Special Joint Subcommittee Studying the Virginia Public Procurement Act.

Acts of the Assembly Chapter 776

**SB 1378 Virginia Public Procurement Act; cooperative procurement, certain councils of governments.**

*Chief patron:* Barker

Provides that a public body may purchase from the contract of the Metropolitan Washington Council of Governments. The bill also provides that a public body may participate in, sponsor, conduct, or administer a cooperative procurement agreement on behalf of or in conjunction with the Metropolitan Washington Council of Governments

Acts of the Assembly Chapter 352

**SB 1413 Fees for testing and monitoring of land application of industrial wastes.**

*Chief patron:* Dance

Allows localities to adopt ordinances that provide for the testing and monitoring of the land application of solid or semisolid industrial wastes. The bill requires the State Water Control Board (the Board) to adopt regulations no later than January 1, 2016, requiring persons that land-apply industrial wastes to collect a fee from the generator of the industrial wastes and remit the fee to the Department of Environmental Quality (DEQ). The fee cannot exceed the direct costs to localities of testing and monitoring the land application of industrial wastes. The bill requires the Board's regulations to include procedures for (i) collection of the fees by DEQ, (ii) deposit of the collected fees into the Sludge Management Fund (the Fund), and (iii) disbursements from the Fund to



localities for the testing and monitoring of the industrial wastes. The Department of Environmental Quality is required to establish and implement a program to train the employees of the localities who will be responsible for testing and monitoring the land application of industrial wastes. The bill specifies the minimum instructional elements of the training program. This bill is identical to HB 1364.

Acts of the Assembly Chapter 104

**SB 1434 Dead bodies; disposition, identification of decedent.**

*Chief patron:* Hanger

Provides that in cases in which the identity of a decedent and the county or city in which the decedent resided at the time of death are known, the person or institution having initial custody of the dead body shall notify the primary law-enforcement agency for the county or city in which the decedent resided of the decedent's death, and such law-enforcement agency shall make good faith efforts to identify and notify the next of kin of the decedent. Currently, the primary law-enforcement agency for the county or city in which the person or institution having initial custody of the dead body is located is responsible for making good faith efforts to identify the decedent and notify the decedent's next of kin.

Acts of the Assembly Chapter 658

## **Local Revenues**

**HB 1279 Motor vehicle sales and use tax; expands certain exemption.**

*Chief patron:* Garrett

Expands the exemption from payment of the motor vehicle sales and use tax for gifts of vehicles to certain family members to include gifts to a parent.

Acts of the Assembly Chapter 159

**HB 1291 Real property tax; notice of assessments.**

*Chief patron:* Ware

Clarifies that the information required on the notice of assessment regarding assessments in the immediately prior two tax years refers to the immediately prior two tax years' final assessments. This bill is identical to SB 678.

Acts of the Assembly Chapter 151

**HB 1297 Machinery and tools tax; production of renewable energy.**

*Chief patron:* Rasoul

Classifies machinery and tools owned by a business and used directly in producing or generating renewable energy as a separate class of property for tax rate purposes. The bill authorizes each locality to impose a tax on such machinery and tools at a rate less than that generally applicable in the locality to machinery and tools.

Acts of the Assembly Chapter 230

**HB 1340 Tangible personal property tax relief; autocycles.**

*Chief patron:* Scott

Adds autocycles to those motor vehicles that qualify for tangible personal property tax relief. Beginning in 2016, certain localities would be required to apply tangible personal property tax relief to autocycles used for nonbusiness purposes. This bill is identical to SB 1219.

Acts of the Assembly Chapter 152; effective 1/1/16

**HB 1345 Retail Sales and Use Tax; exemption for certain light bulbs.**

*Chief patron:* Carr

Expands the list of qualified products that are exempt from sales and use tax during the Energy Star and WaterSense tax holiday to include all Energy Star light bulbs. Under current law, only Energy Star compact fluorescent light bulbs are exempt.

Acts of the Assembly Chapter 42

**HB 1386 Disaster relief; assistance by out-of-state businesses and employees.**

*Chief patron:* Ware

Provides that out-of-state businesses and employees who come into the Commonwealth solely for the purpose of performing disaster-related or emergency-related work in response to a declared disaster or emergency shall not be subject to state or local taxes or registration requirements. Upon request, the State Corporation Commission may require such a business to provide certain information. The Commission is required to maintain a record of such information and to make the record available to the public. The bill contains an emergency clause.

EMERGENCY

Acts of the Assembly Chapter 595; effective 3/26/15

**HB 1483 Real property assessment; valuation for land preservation.**

*Chief patron:* Rush

Permits localities to set acreage requirements less than the current five-acre requirement for agricultural property to qualify for land use valuation.

Acts of the Assembly Chapter 485

**HB 1489 Local taxes; payment by a third party.**

*Chief patron:* Habeeb

Increases from 24 months to 96 months the maximum reimbursement time period for third-party tax payment agreements, in which a taxpayer repays a third party who paid local taxes on the taxpayer's behalf.

Acts of the Assembly Chapter 257

**HB 1554 Recyclable materials; changes tax credit by extending expiration date to January 1, 2020.**

*Chief patron:* Marshall, D.W.

Changes the recyclable materials tax credit by (i) extending the expiration date of the credit by five years to January 1, 2020, (ii) increasing the credit allowed from 10 to 20 percent of the purchase price of qualifying machinery and equipment, (iii) prohibiting denial of the credit based solely on another person's use of tangible personal property produced by the credit applicant from recyclable materials, (iv) clarifying that no credit will be allowed for machinery and equipment that does not manufacture, process, compound, or produce items of tangible personal property from recyclable materials, and (v) establishing an annual cap of \$2 million in recyclable materials tax credits that may be issued by the Department of Taxation. The provisions of the bill are effective for taxable years beginning on or after January 1, 2015. This bill is identical to SB 1205.

Acts of the Assembly Chapter 49; effective 1/1/15

**HB 1567 Tax-delinquent property; multijurisdictional sale.**

*Chief patron:* Orrock

Provides a method for the sale of tax-delinquent real property that is located in more than one locality. The consent of the treasurer of each locality within which the property is located is

required.

Acts of the Assembly Chapter 50

**HB 1589 Personal property; tax relief on certain motor vehicles leased by members of the military.**

*Chief patron:* Krupicka

Requires each locality receiving personal property tax reimbursement from the Commonwealth to ensure that the reimbursement covers all of the tax attributable to the first \$20,000 of value on each qualifying vehicle leased by an active duty member of the United States military, his spouse, or both, pursuant to a contract requiring the active duty member to pay the tangible personal property tax on such vehicle, if the vehicle would not be taxed in Virginia if it were owned.

Acts of the Assembly Chapter 266

**HJ 635 Communications sales and use tax; Department of Taxation to study performance of tax.**

*Chief patron:* LaRock

Requests the Department of Taxation to conduct a study of the performance of the communications sales and use tax.

Passed

**SB 759 Transient occupancy tax; Isle of Wight County authorized to impose a tax of up to two percent.**

*Chief patron:* Lucas

Adds the County of Isle of Wight to the list of counties authorized to impose a transient occupancy tax of up to five percent, with any excess over two percent to be designated and spent solely for tourism purposes.

Acts of the Assembly Chapter 78

**SB 872 Real property; explanation of increased assessment.**

*Chief patron:* Cosgrove

Requires an assessing officer of a governing body to provide, upon taxpayer request, a written explanation of or justification for an increase in the assessed value of the taxpayer's property.

Acts of the Assembly Chapter 244

**SB 888 Electronic summons systems; fees assessed by towns.**

*Chief patron:* Petersen

Allows towns to assess a fee not to exceed \$5, as part of the costs in each criminal or traffic case in district or circuit court, to be used for the implementation and maintenance of an electronic summons system.

Acts of the Assembly Chapter 643

**SB 1019 Land preservation; tax credit.**

*Chief patron:* Watkins

Makes several changes to the credit by (i) reducing the maximum amount of tax credits that may be issued in each calendar year from \$100 million to \$75 million beginning in 2015; (ii) with the exception of credits issued for fee simple interest donations, reducing the maximum amount of the land preservation tax credit that may be claimed in any year from \$100,000 in taxable year 2014 to \$20,000 in taxable years 2015 and 2016 and \$50,000 for each taxable year thereafter; (iii) requiring that a complete application for tax credit with regard to a conveyance be filed with the Department of Taxation by December 31 of year following the calendar year of the conveyance; and (iv) prohibiting the Department of Taxation from issuing any tax credit for a donation from any allocation or pool of tax credits attributable to a calendar year prior to the year in which the complete tax credit application for the donation was filed. This bill is identical to HB 1828.

Acts of the Assembly Chapter 680

**SB 1031 Real property tax exemption; certain leasehold interests.**

*Chief patron:* Watkins

Authorizes localities to exempt from real property tax the leasehold interest in property in which the lessor is exempt from real property tax and the lessee is entitled to federal rehabilitation tax credits related to the property and uses the property for charitable, literary, scientific, cultural, or

educational purposes. The bill is identical to HB 1766.

Acts of the Assembly Chapter 87

**SB 1040 License tax; businesses ceasing operations.**

*Chief patron:* Hanger

Allows a person, firm, or corporation that ceases business in one year, but attempts to settle existing, outstanding accounts in the next year, to pay a license tax based on the estimate of the current year's gross receipts instead of the previous year's gross receipts. At the time all accounts are closed, the amount paid shall be adjusted for actual gross receipts. Penalties would apply if the person, firm, or corporation provides an unreasonable estimate, or if the person, firm, or corporation engages in any new business during such a year.

Acts of the Assembly Chapter 250

**SB 1046 Benefits consortium; formation of a not-for-profit consortium by localities.**

*Chief patron:* Hanger

Authorizes the governing bodies of three or more cities, counties, or school boards, if they comprised the membership of a multiple employer welfare arrangement on December 31, 2014, to form a benefits consortium for the purpose of establishing a self-funded employee welfare benefit plan. The benefits consortium will be a nonstock corporation established to operate a benefits plan. Each member of the benefits consortium shall be contractually liable for its allocated share of the consortium's liabilities. The benefits consortium will be exempt from taxation and from insurance regulations.

Acts of the Assembly Chapter 136

**SB 1127 Tangible personal property; miscellaneous and incidental property.**

*Chief patron:* Hanger

Declares miscellaneous and incidental property employed in a trade or business with an original cost of less than \$250 as a separate classification of tangible personal property. A locality may allow a taxpayer reporting such property to provide an aggregate estimate of the total value of such property instead of an itemized list. The bill also authorizes a locality to tax such property at a separate rate of taxation not to exceed the rate imposed on general tangible personal property. The bill incorporates SB 1243 and is identical to HB 2098.

Acts of the Assembly Chapter 593

**SB 1219 Tangible personal property tax relief; autocycles.**

*Chief patron:* Reeves

Adds autocycles to those motor vehicles that qualify for tangible personal property tax relief. Beginning in 2016, certain localities would be required to apply tangible personal property tax relief to autocycles used for nonbusiness purposes. This bill is identical to HB 1340.

Acts of the Assembly Chapter 96; effective 1/1/16

**SB 1336 Sales and use tax; exemption includes gold, silver, & platinum whose sales price exceeds \$1,000.**

*Chief patron:* Wagner

Exempts from sales and use tax gold, silver, and platinum bullion whose sales price exceeds \$1,000. The provisions of the bill expire January 1, 2019. The bill is identical to HB 1648.

Acts of the Assembly Chapter 629

**SB 1401 Tourism project of regional significance; entitlement to tax revenues.**

*Chief patron:* Norment

Entitles a tourism project of regional significance to the revenues generated by a 1.5 percent state sales and use tax on transactions taking place on its premises, to be used for debt service on gap financing for the project. To qualify for the revenues, the project must meet a deficiency identified in a local tourism plan approved by the Virginia Tourism Authority, and be endorsed by the MEI Project Approval Commission. The private developer and the locality in which the project is located must also each contribute funds equal to the 1.5 percent sales and use tax contribution, also to be used for the gap financing payment.

Current law allows certain tourism projects to qualify for revenues generated by a one percent state sales and use tax. A project would be eligible for the increased revenues if it involves new private, capital investment of at least \$100 million and supports increased hotel occupancy, job creation, and out-of-state visitors.

Acts of the Assembly Chapter 349

# Planning and Land Use

## Land Conservation, Open Space, Parks, PDRs

### **HB 1483 Real property assessment; valuation for land preservation.**

*Chief patron:* Rush

Permits localities to set acreage requirements less than the current five-acre requirement for agricultural property to qualify for land use valuation.

Acts of the Assembly Chapter 485

### **HB 1488 Conservation easements; tax benefits, disputes over easement terms.**

*Chief patron:* Pogge

Allows a landowner or other party to a conservation easement to request that the Virginia Land Conservation Foundation use the Administrative Dispute Resolution Act to resolve a dispute relating to the interpretation of the easement.

Acts of the Assembly Chapter 44

### **HB 1828 Land preservation; tax credit.**

*Chief patron:* Ware

Makes several changes to the credit by (i) reducing the maximum amount of tax credits that may be issued in each calendar year from \$100 million to \$75 million beginning in 2015; (ii) with the exception of credits issued for fee simple interest donations, reducing the maximum amount of the land preservation tax credit that may be claimed in any year from \$100,000 in taxable year 2014 to \$20,000 in taxable years 2015 and 2016 and \$50,000 for each taxable year thereafter; (iii) requiring that a complete application for tax credit with regard to a conveyance be filed with the Department of Taxation by December 31 of year following the calendar year of the conveyance; and (iv) prohibiting the Department of Taxation from issuing any tax credit for a donation from any allocation or pool of tax credits attributable to a calendar year prior to the year in which the complete tax credit application for the donation was filed. This bill is identical to SB 1019.

Acts of the Assembly Chapter 235



**HB 2226 State park master plans; update schedule.**

*Chief patron:* Edmunds

Changes the requirement that the Department and Board of Conservation and Recreation review and update the master plan for each state park from once every five years to once every 10 years. This bill is identical to SB 1376.

Acts of the Assembly Chapter 469

**SB 1012 Income tax, state; subtraction, sale of land for open-space use.**

*Chief patron:* Watkins

Eliminates the income tax subtraction available for the gain derived from the sale of land for open-space use for taxable years beginning on or after January 1, 2015.

Acts of the Assembly Chapter 248

**SB 1019 Land preservation; tax credit.**

*Chief patron:* Watkins

Makes several changes to the credit by (i) reducing the maximum amount of tax credits that may be issued in each calendar year from \$100 million to \$75 million beginning in 2015; (ii) with the exception of credits issued for fee simple interest donations, reducing the maximum amount of the land preservation tax credit that may be claimed in any year from \$100,000 in taxable year 2014 to \$20,000 in taxable years 2015 and 2016 and \$50,000 for each taxable year thereafter; (iii) requiring that a complete application for tax credit with regard to a conveyance be filed with the Department of Taxation by December 31 of year following the calendar year of the conveyance; and (iv) prohibiting the Department of Taxation from issuing any tax credit for a donation from any allocation or pool of tax credits attributable to a calendar year prior to the year in which the complete tax credit application for the donation was filed. This bill is identical to HB 1828.

Acts of the Assembly Chapter 680

## Land Use & Growth Management

### **HB 1634 Farm winery; licensees allowed to manufacture wine containing 21% or less of alcohol by volume.**

*Chief patron:* Bulova

Allows farm winery licensees to manufacture wine containing 21 percent or less of alcohol by volume. Under current law, farm winery licensees may manufacture wine containing 18 percent or less of alcohol by volume. The bill also defines a farm winery to include an accredited public or private institution of higher education provided that (i) no wine manufactured by the institution shall be sold, (ii) the wine manufactured by the institution shall be used solely for research and educational purposes, (iii) the wine manufactured by the institution shall be stored on the premises of such farm winery that shall be separate and apart from all other facilities of the institution, and (iv) such farm winery is operated in strict conformance with these requirements and Board regulations. This bill is identical to SB 1165.

Acts of the Assembly Chapter 54

### **HB 1849 Zoning appeals, board of; granting of variance, ex parte communications, proceedings.**

*Chief patron:* Marshall, D.W.

Changes the standard by which a board of zoning appeals shall grant an application for a variance by eliminating or altering several of the requirements.

Acts of the Assembly Chapter 597

### **SB 889 Affordable dwelling units; City of Fairfax authorized to adopt zoning ordinance to provide.**

*Chief patron:* Petersen

Adds the City of Fairfax to the list of localities whose governing bodies are authorized to adopt zoning ordinances that provide for an affordable housing dwelling unit program.

Acts of the Assembly Chapter 605

**SB 1257 Cash proffer for residential construction; sunset date.**

*Chief patron:* Smith

Removes the July 1, 2017, expiration date of a current law that delays the payment of certain per-dwelling-unit cash proffers until after the final inspection of the subject property and prior to the issuance of any certificate of occupancy. The removal of the sunset date also extends existing provisions protecting a right to delayed payment of cash proffers and allowing a court to award fees and costs to a party that prevails in a legal challenge to a conflicting ordinance. In addition, the bill repeals the July 1, 2017, expiration date of a 2009 act of assembly that lowered the cap on the administrative costs a locality could charge a developer for the dedication of a public right-of-way from 25 percent to 10 percent of the estimated construction cost. This bill incorporates SB 726 and SB 1065.

Acts of the Assembly Chapter 346

**SB 1272 Alcoholic beverage control; limited distillers' licenses.**

*Chief patron:* Deeds

Creates a limited distiller's license for distilleries that (i) manufacture no more than 36,000 gallons of spirits per calendar year, (ii) are located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such distillery or its owner, and (iii) grow agricultural products on the farm that are used in the manufacture of its alcoholic beverages. The bill also establishes local and state taxes for limited distillers' licenses and prevents local regulation of certain activities by such licensees.

Acts of the Assembly Chapter 695

**SB 1355 Local planning commission; action on proposed plat.**

*Chief patron:* Reeves

Applies certain provisions, including a 60-day time limit, to the process of approval by any local planning commission of a plat or site plan that solely involves commercial real estate. Currently, the provisions apply only to planning commissions in localities with a population greater than 90,000 based on the 2000 United States Census. The bill also contains technical amendments.

Acts of the Assembly Chapter 420

**SB 1443 Comprehensive plan; strategies to combat projected sea-level rise.**

*Chief patron:* Miller

Provides that any locality included in the Hampton Roads Planning District Commission shall incorporate into the next scheduled and all subsequent reviews of its comprehensive plan strategies to combat projected relative sea-level rise and recurrent flooding. Such review shall be coordinated with the other localities in the Hampton Roads Planning District Commission. The Department of Conservation and Recreation, the Department of Emergency Management, the Marine Resources Commission, Old Dominion University, and the Virginia Institute of Marine Science shall provide technical assistance to any such locality upon request.

Acts of the Assembly Chapter 186

## **Transportation**

### **Funding**

**HB 1279 Motor vehicle sales and use tax; expands certain exemption.**

*Chief patron:* Garrett

Expands the exemption from payment of the motor vehicle sales and use tax for gifts of vehicles to certain family members to include gifts to a parent.

Acts of the Assembly Chapter 159

**HB 1340 Tangible personal property tax relief; autocycles.**

*Chief patron:* Scott

Adds autocycles to those motor vehicles that qualify for tangible personal property tax relief. Beginning in 2016, certain localities would be required to apply tangible personal property tax relief to autocycles used for nonbusiness purposes. This bill is identical to SB 1219.

Acts of the Assembly Chapter 152

**HB 1402 Highway maintenance; payments to certain cities and towns.**

*Chief patron:* Loupassi

Provides that cities and towns that receive highway maintenance payments from the

Commonwealth based on moving-lane-miles of highway will not have such payments reduced if moving-lane-miles of highway are converted to transit-only lanes and allows the City of Richmond to convert 20 moving-lanes to bicycle lanes and not lose its maintenance payment. The bill also directs the Secretary of Transportation to report by December 1, 2015, on an appropriate maintenance formula for bicycle lanes.

Acts of the Assembly Chapter 722

**HB 1470 Northern Virginia Transportation Authority; use of revenues, effective date.**

*Chief patron:* LaRock

Includes transit projects in those transportation projects that will be rated by VDOT in accordance with § 33.2-257 before they are funded by the Authority. The bill has a delayed effective date of July 1, 2016.

Acts of the Assembly Chapter 458; effective 7/1/16

**HB 1887 Commonwealth Transportation Board; membership, funding, updates annual reporting, and allocations.**

*Chief patron:* Jones

Removes the Executive Director of the Virginia Port Authority from the Commonwealth Transportation Board (CTB) and makes the members of the CTB subject to removal by the Governor for malfeasance, misfeasance, incompetence, misconduct, neglect of duty, absenteeism, conflicts of interest, failure to carry out the policies of the Commonwealth, or refusal to carry out a lawful directive of the Governor. Both provisions would become effective July 1, 2016.

The bill updates the annual report of the Commissioner of Highways made to the Governor and the General Assembly and adds that such report be submitted to the Joint Legislative Audit and Review Commission and the CTB. The report must include the condition of existing transportation assets; the methodology used to determine maintenance and state of good repair needs; performance targets and outcomes; a listing of prioritized pavement and bridge projects based on the priority ranking system; VDOT strategies for improving the safety, security, and operations of highways; and a review of the VDOT's collaboration with the private sector in delivering services.

The bill adds to transportation funding considerations the state of good repair purposes along with asset management practices and maintenance and requires the CTB to develop a priority ranking system for structurally deficient bridges and deteriorated pavements.

The bill establishes the high-priority projects program and the highway construction district grant program and replaces the \$500 million annual allocation made by the CTB and the 40-30-30 allocation formula to the primary, secondary, and urban highways with a new 40-30-30 allocation

of funds to state of good repair purposes, high-priority projects, and highway construction district grants.

The bill also reallocates the interest, dividends, and appreciation that currently accrue to the Transportation Trust Fund and Highway Maintenance and Operating Fund: two-thirds of such current accruals to the Virginia Transportation Infrastructure Bank and one-third of such accruals to the Transportation Partnership Opportunity Fund. The bill also removes the definition of "grant" from the Virginia Transportation Infrastructure Bank and excludes grants from other financing, thereby removing the ability of a governmental entity to apply for a grant. The bill also allows the CTB to make transfers from the Toll Facilities Revolving Account to the Virginia Transportation Infrastructure Bank.

Further, the bill authorizes the Department of Rail and Public Transportation to enter into agreements not to exceed 20 years under the Public-Private Transportation Act to improve passenger rail service with private entities that finance improvements in return for annual payments.

Acts of the Assembly Chapter 684; effective – see bill

#### **HB 2391 Highway funds; allocation by the Commonwealth Transportation Board.**

*Chief patron:* Minchew

Provides that the five percent of monies allocated annually by the Commonwealth Transportation Board currently dedicated to paving of unpaved highways carrying more than 50 vehicles per day will instead be allocated for paving or improving such highways. This bill has a delayed effective date of July 1, 2016.

Acts of the Assembly Chapter 676; effective 7/1/16

#### **SB 1219 Tangible personal property tax relief; autocycles.**

*Chief patron:* Reeves

Adds autocycles to those motor vehicles that qualify for tangible personal property tax relief. Beginning in 2016, certain localities would be required to apply tangible personal property tax relief to autocycles used for nonbusiness purposes. This bill is identical to HB 1340.

Acts of the Assembly Chapter 96; effective 1/1/16

# Transportation Policy

## **HB 1341 Autocycles; exempted from motor vehicle emissions inspection program.**

*Chief patron:* Scott

Exempts autocycles that have not been emissions certified with an on-board diagnostic system by the U.S. Environmental Protection Agency from the motor vehicle emissions inspection program. This bill is identical to SB 1218.

Acts of the Assembly Chapter 161

## **HB 1342 Driver of motor vehicle following too closely; includes non-motor vehicles.**

*Chief patron:* DeSteph

Includes non-motor vehicles (bicycles, electric assistive mobility devices, electric power-assisted bicycles, and mopeds) among vehicles that the driver of any motor vehicle shall not follow more closely than is reasonable. This bill is identical to SB 1220.

Acts of the Assembly Chapter 188

## **HB 1398 Highways, bridges, and ferries; clarification of certain revisions to Title 33.**

*Chief patron:* LeMunyon

Corrects typographical errors and other mistakes from the revision and recodification of Title 33. The bill also implements clarifying changes and other changes made in the revision and recodification of Title 33.2.

The bill also repeals the Woodrow Wilson Bridge and Tunnel Compact, which is not in effect, and reinserts language that was omitted from Chapter 805 of the Acts of Assembly of 2014 and provides that the reinsertion is effective retroactively to October 1, 2014.

The bill also relocates the Williamsburg Area Transit Authority from Title 15.2 to Title 33.2 and includes necessary savings clauses for this renumbering and relocation.

This bill is a recommendation of the Virginia Code Commission.

Acts of the Assembly Chapter 256

**HB 1544 Emergency vehicles; vehicle illuminated identification systems.**

*Chief patron:* Fariss

Allows emergency vehicles to be equipped with illuminated identification systems that assist aircraft in reading numbers and other identifying markings on the roofs of the emergency vehicles.

Acts of the Assembly Chapter 333

**HB 1603 Identification cards, special; contents on DMV issued cards.**

*Chief patron:* Marshall, R.G.

Allows special identification cards issued by DMV to indicate, when requested by the applicant, his parent if the applicant is a minor, or his guardian, that the applicant (i) is an insulin-dependent diabetic, (ii) is hearing or speech impaired, or (iii) has an intellectual disability, as defined in § 37.2-100, or autism spectrum disorder, as defined in § 38.2-3418.17. Current law allows only the applicant to request a special identification card.

Acts of the Assembly Chapter 167

**HB 1613 Secondary highway system construction projects; relocation or removal of utility facilities.**

*Chief patron:* Campbell

Expands the population bracket limiting the counties to which the cost reimbursement program applies.

Governor's Action Deadline Midnight, Sunday, March 29, 2015

**HB 1649 Stationary refuse-collection vehicles; procedure for passing and overtaking.**

*Chief patron:* Villanueva

Requires that, with due regard to safety and traffic conditions, drivers of motor vehicles overtaking stationary vehicles in the process of refuse collection (i) on a highway of at least four lanes, yield the right of way by a making a lane change into a nonadjacent lane or (ii) on a highway of fewer than four lanes or if changing lanes would be unreasonable or unsafe, decrease speed to 10 mph below the posted speed limit and pass at least two feet to the left of the stationary vehicle.

Acts of the Assembly Chapter 197

**HB 1700 Motorcycles and autocycles; relating to brake lights.**



*Chief patron:* Wilt

Repeals the five-second maximum duration limit on increased brightness of motorcycle and autocycle brake lights when the vehicle's brakes are applied.

Acts of the Assembly Chapter 405

**HB 1827 Routine highway maintenance projects; exemption from erosion and sediment control requirements.**

*Chief patron:* Scott

Exempts routine highway maintenance projects of the Virginia Department of Transportation from the requirements of the Erosion and Sediment Control Act, including the reduction of flow runoff rates. This exemption is consistent with the exemption for similar routine highway maintenance projects under the Stormwater Management Program.

Acts of the Assembly Chapter 497

**HB 1886 Public-Private Transportation Act; establishes requirement for finding of public interest.**

*Chief patron:* Jones

Establishes the requirements for a finding of public interest and requires such a finding prior to an initiation of procurement. The bill also establishes the Transportation Public-Private Partnership Advisory Committee to determine by a majority vote whether a VDOT or DRPT project meets the finding of public interest and to report such determination to the General Assembly. The bill also requires certification of the finding prior to the execution of a comprehensive agreement and requires the public-private partnership guidelines to incorporate the finding. The bill also requires VDOT to establish (i) a process for identifying high-risk projects and (ii) procurement processes and guidelines for such projects to ensure that the public interest is protected.

Acts of the Assembly Chapter 612

**HB 1915 Northern Virginia Transportation Authority; regional plan.**

*Chief patron:* LeMunyon

Requires NVTVA's regional transportation plan to make reducing congestion its primary objective in Planning District 8 to the greatest extent practicable. Also, each locality embraced by the Authority shall annually report to the Authority any aspects of its comprehensive plan that are not consistent with the regional transportation plan. This bill is identical to SB 1314.

Acts of the Assembly Chapter 477

**HB 2072 Forest products; establishes overweight permit for hauling.**

*Chief patron:* Knight

Establishes an overweight permit for hauling forest products and provides for the weight limits and the fee of \$130 for the permit. This bill is identical to SB 989.

Acts of the Assembly Chapter 72

**HB 2164 Commonwealth Transportation Board; nonlegislative citizen members shall be appointed by Governor.**

*Chief patron:* Hugo

Provides that members of the Commonwealth Transportation Board do not serve at the pleasure of the Governor, but may be removed from office by the Governor for malfeasance, misfeasance, incompetence, neglect of duty, absenteeism, conflicts of interest, failure to carry out the policies of the Commonwealth, or refusal to carry out a lawful directive of the Governor. The bill has a delayed effective date of July 1, 2016.

Acts of the Assembly Chapter 374; effective 7/1/16

**HB 2235 HOT lanes; when law-enforcement vehicles may use.**

*Chief patron:* Rust

Clarifies the circumstances under which law-enforcement vehicles may use HOT lanes without paying a toll.

Acts of the Assembly Chapter 73

**HB 2312 Blue Star Memorial Highway; designating as a portion of Va. Route 36 in Prince George County.**

*Chief patron:* Ingram

Designates the portion of Virginia Route 36 in Prince George County between the City of Hopewell and the City of Petersburg the "Blue Star Memorial Highway."

Acts of the Assembly Chapter 376

**HB 2332 Roadside safety devices; certain to be equipped with Identification numbers, etc.**

*Chief patron:* Habeeb

Requires that certain roadside safety devices installed on or after July 1, 2016, be stamped with identification numbers by the manufacturer.

Acts of the Assembly Chapter 481

**SB 697 Automobile and homeowners insurance policies; notices.**

*Chief patron:* Martin

Authorizes insurers to send certain notices, including nonrenewal and cancellation notices, pertaining to a motor vehicle or homeowners insurance policy by a first-class mail tracking method used or approved by the United States Postal Service (USPS). Currently, such notices are effective only if sent by registered or certified mail. The measure will permit insurers to send such notices using the USPS Intelligent Mail barcode. Provisions that currently provide more restrictive bulk mailing options are deleted. This bill is identical to HB 1357.

Acts of the Assembly Chapter 9

**SB 956 Overheight vehicles; owner of vehicle to be fined for any damage.**

*Chief patron:* Lewis

Exempts from penalties applicable to overheight vehicles the driver of any vehicle exceeding the prescribed maximum height who is attempting to drive through the westbound tunnel of the Hampton Roads Bridge Tunnel and who elects to wait until the end of peak traffic periods so that the Department of Transportation or State Police may safely stop traffic and allow the vehicle to proceed in the opposite direction.

Acts of the Assembly Chapter 181

**SB 1003 Off-road motorcycles converted to on-road use; titling and registration requirements, penalty.**

*Chief patron:* Newman

Establishes titling and registration requirements for off-road motorcycles converted to on-road use and includes off-road motorcycles converted to on-road use in existing titling requirements for non-conventional vehicles. The bill requires individuals who convert off-road motorcycles to on-road use to certify that the vehicle (i) passed Virginia safety inspections, (ii) meets all federal safety

standards, and (iii) is properly labeled. The bill makes falsifying the required certification a Class 1 misdemeanor.

Acts of the Assembly Chapter 259

**SB 1218 Autocycles; exempted from motor vehicle emissions inspection program.**

*Chief patron:* Reeves

Exempts autocycles that have not been emissions certified with an on-board diagnostic system by the U.S. Environmental Protection Agency from the motor vehicle emissions inspection program. This bill is identical to HB 1341.

Acts of the Assembly Chapter 95

**SB 1220 Following too closely.**

*Chief patron:* Reeves

Includes bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds among vehicles that the driver of a motor vehicle shall not follow more closely than is reasonable. This bill is identical to HB 1342.

Acts of the Assembly Chapter 31

**SB 1314 Northern Virginia Transportation Authority; long-range plan.**

*Chief patron:* Marsden

Requires NVTa's regional transportation plan to make reducing congestion its primary objective in Planning District 8 to the greatest extent practicable. Also, each locality embraced by the Authority shall annually report to the Authority any aspects of its comprehensive plan that are not consistent with the regional transportation plan. This bill is identical to HB 1915.

Acts of the Assembly Chapter 496

## Unfunded Mandates

### **HB 1291 Real property tax; notice of assessments.**

*Chief patron:* Ware

Clarifies that the information required on the notice of assessment regarding assessments in the immediately prior two tax years refers to the immediately prior two tax years' final assessments. This bill is identical to SB 678.

Acts of the Assembly Chapter 151

### **HB 1307 Public elementary and secondary schools; student identification numbers.**

*Chief patron:* Landes

Prohibits the Department of Education and each local school board from requiring any student enrolled in a public elementary or secondary school or receiving home instruction, or his parent, to provide the student's federal social security number. The bill requires the Department to instead develop a system of unique student identification numbers and requires each local school board to assign such a number to each student enrolled in a public elementary or secondary school. Under current law, every student is required to present a federal social security number within 90 days of his enrollment; if a student is ineligible to obtain a social security number or his parent is unwilling to present a social security number, the superintendent may assign another identifying number or waive the requirement. The bill has a delayed effective date of August 1, 2015. This bill is identical to SB 1293.

Acts of the Assembly Chapter 666; effective 8/1/15

### **HB 1355 Photo monitoring; use of systems to enforce traffic light signals, appeals.**

*Chief patron:* Ramadan

Provides that an operator of a motor vehicle found in violation of an ordinance created to enforce photo-monitoring systems for traffic lights has a right to appeal to the circuit court in a civil proceeding. The bill also reduces from \$50 to \$20 the amount of the matter in controversy above which an appeal of right exists in a civil case.

Acts of the Assembly Chapter 714

**SB 872 Real property; explanation of increased assessment.**

*Chief patron:* Cosgrove

Requires an assessing officer of a governing body to provide, upon taxpayer request, a written explanation of or justification for an increase in the assessed value of the taxpayer's property.

Acts of the Assembly Chapter 244

## **Other Issues**

**HB 1584 Fire services and emergency medical services; revises certain terminology.**

*Chief patron:* Stolle

Revises terminology related to fire services and emergency medical services and reorganizes provisions governing fire services and emergency medical services. The bill also contains technical amendments.

Acts of the Assembly Chapter 502

**HB 1588 Economic development policy; Secretary of Agriculture and Forestry add to certain committee.**

*Chief patron:* Landes

Adds the Secretary of Agriculture and Forestry to the committee established to assist the Secretary of Commerce and Trade to develop during the first year of each new gubernatorial administration a comprehensive economic development policy for the Commonwealth.

Acts of the Assembly Chapter 166

**HB 2204 Line of Duty Act; codifying revisions to the Act.**

*Chief patron:* Jones

Revises the Line of Duty Act (the Act) by codifying revisions to the Act in the appropriation act, transferring overall administration of the Act to the Virginia Retirement System, transferring administration of health insurance benefits under the Act to the Department of Human Resource Management, and providing for an administrative appeal process. The bill also directs the Virginia Retirement System ("VRS") and the Department of Human Resource Management ("DHRM"), with the input of all stakeholders, to develop proposals, on ways the Act can be

improved and to ensure its long-term fiscal viability. Except for the proposals by VRS and DHRM, the bill becomes effective July 1, 2016, and only if reenacted by the 2016 Session of the General Assembly.

Acts of the Assembly Chapter 647

**SB 1204 Secondhand building materials; exemption for donation of certain materials.**

*Chief patron:* Wagner

Exempts the donation of certain secondhand material from requirements otherwise applicable to transactions involving such materials, when the materials are donated by their owner or the owner's contractor or subcontractor to a nonprofit tax-exempt corporation. The sale of such material by the nonprofit corporation is likewise exempted from the requirements, which include obtaining a permit, keeping records of transactions, and making reports to law-enforcement officials. The exempted material consists of heating or plumbing fixtures or supplies, electrical fixtures or any wiring, gas fixtures or appliances, water faucets, pipes, locks, bathtubs, gutters, downspouts, or other secondhand fixtures pertaining to a building or structure.

Acts of the Assembly Chapter 626

**SB 1333 Virginia Public Procurement Act; small, women-owned, and minority-owned businesses.**

*Chief patron:* Alexander

Defines "historically black colleges and universities" and provides that the term "minority-owned business" includes historically black colleges and universities, regardless of the percentage ownership by minority individuals or, in the case of a corporation, partnership, or limited liability company or other entity, the equity ownership interest in the corporation, partnership, or limited liability company or other entity.

Acts of the Assembly Chapter 775

**SB 1372 Workforce Development, Virginia Board of; changes to Board requirements, annual report.**

*Chief patron:* Ruff

Makes several changes to the Virginia Board of Workforce Development (Board), including (i) requiring quarterly meetings of the Board; (ii) establishing a full-time director position to be supervised by the Governor's Chief Workforce Development Advisor (Advisor) and dedicated to supporting the Board's operations; and (iii) adding, as an area of policy advice to the Governor,

issues to create a business-driven system that increases the rates of attainment of workforce credentials and jobs. Beginning November 1, 2016, and annually thereafter, each agency administering any publicly funded career and technical education and workforce development program shall submit to the Governor and the Board a report detailing the program's performance against state-level metrics established by the Advisor. In addition, the Advisor, the Commissioner of the Virginia Employment Commission (VEC), and the Chancellor of the Virginia Community College System (VCCS) shall enter into a memorandum of understanding that sets forth (a) the roles and responsibilities of each of these publicly funded entities; (b) a funding mechanism that adequately supports operations under the federal provisions; and (c) a procedure for the resolution of any disagreements that may arise. The Advisor, VEC, and VCCS shall collaborate to produce an annual executive summary. Each local workforce development board shall develop and execute a strategic plan designed to combine public and private resources to support sector strategies, career pathways, and career readiness skills development. A regional convener's local plan for employer engagement is required to describe the format and content of a single, user friendly resource that would help employers identify and access available workforce services. This bill also sets the minimum level of fiscal support from WIOA Adult and Dislocated Worker funds, and provides incentives. The bill also makes several technical amendments required with the transition from the federal Workforce Investment Act of 1998 to the federal Workforce Innovation and Opportunity Act of 2014. On October 1, 2017, the Executive Director of the Board shall provide members of the Board with a detailed report evaluating local workforce develop boards' rate of the expenditures for incentives from July 1, 2015, to July 1, 2017.

Acts of the Assembly Chapter 292

**SB 1427 Right to breastfeed in public places.**

*Chief patron:* Wexton

Provides that a mother may breastfeed in any place where the mother is lawfully present. Current law allows breastfeeding on any property owned, leased, or controlled by the Commonwealth. This bill is identical to HB 1499.

Acts of the Assembly Chapter 105