

## Virginia Planning & Zoning 2018 Legislative List

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### PLANNING & LAND USE

**HB 61 (Ware): Battlefields; entry into an agreement to transfer certain easements.** Directs the Secretary of Natural Resources (the Secretary) to endeavor to enter into a memorandum of understanding (MOU) with the United States to accomplish the transfer of the Commonwealth's easement interests in battlefield lands located within the boundaries of federal battlefield parks. The bill directs the Secretary to report on the status of the MOU to certain Senate and House committee chairmen by October 1, 2018. The bill is identical to SB 450.

**HB 161 (Cole): Service districts; general government facilities may be constructed pursuant to power of districts.** Adds general government facilities to those types of facilities that may be constructed pursuant to the power granted to service districts.

**HB 179 (Collins): Public facilities; bonds issued for construction, municipal authority to retain certain tax revenue.** Extends until July 1, 2020, the authority of any municipality to issue bonds for the construction of certain public facilities and retain sales and use tax revenue generated within such facilities to pay off such bonds. Under current law, such authority expired on July 1, 2017.

**HB 233 (Hope): Arts and cultural districts; relocates an existing section related to creation of districts.** Relocates an existing section in Title 15.2 (Counties, Cities and Towns) related to creation of arts and cultural districts. The existing section, once applicable only to certain municipalities but currently applicable to all localities, is logically relocated from Chapter 11 (Powers of Cities and Towns) to Chapter 9 (General Powers of Local Governments).

**HB 345 (Stolle): Coastal Adaptation and Protection, Special Assistant to the Governor; position created.** Creates the executive branch position of Special Assistant to the Governor for Coastal Adaptation and Protection (the Assistant). The bill provides that the Assistant shall be the lead in developing and in providing direction and ensuring accountability for a statewide coastal flooding adaptation strategy. The bill directs the Assistant to initiate and assist with economic development opportunities associated with adaptation, to advance academic expertise at the Commonwealth Center for Recurrent Flooding and Resiliency, and to pursue federal, state, and local funding opportunities for adaptation initiatives. This bill is identical to SB 265.

**HB 398 (Davis): Virginia Public Procurement Act; bid, performance, and payment bonds, waiver by localities, sunset.** Adds a sunset date of July 1, 2021, to the provisions (i) authorizing a locality, where the bid, performance, and payment bond requirements are waived, to waive the requirement for prequalification for a bidder or contractor with a current Class A contractor license for nontransportation-related construction contracts in excess of \$100,000 but less than \$300,000 upon a written determination made in advance by the local governing body that waiving the requirement is in the best interests of the locality and (ii) prohibiting localities from entering into more than 10 such contracts per year.

**HB 422 (Bulova): Alcoholic beverage control; sales by brewery on licensed premises.** Requires that when a brewery licensee sells at retail the brands of beer that the brewery owns, at least 20 percent of the volume of beer sold for on-premises consumption in any calendar year shall be manufactured on the licensed premises. The bill has a delayed effective date of January 1, 2019, with a further delayed effective date of April 30, 2022, for a brewery that has entered into (i) a performance agreement with the Commonwealth of Virginia Development Opportunity Fund on or about April 20, 2016; (ii) a performance agreement entitled "Regarding Operation Period Economic Development

Grant" on or about April 20, 2016; and (iii) a commercial lease agreement on or about April 14, 2017. This bill is identical to SB 306.

**HB 431 (Marshall, III): Enterprise Zone Grant Program; designation of enterprise zone.** Codifies the minimum size and maximum size of enterprise zones under the Enterprise Zone Grant Program administered by the Department of Housing and Community Development. The bill also provides that amendments to an enterprise zone that include the elimination of an area or areas from the zone shall not exceed the maximum size provisions and shall be reviewed by the Department with the potential impact on affected businesses and property owners given primary consideration.

**HB 509 (Hodges): Comprehensive plan; solar facilities.** Provides that a solar facility subject to provisions requiring the facility to be substantially in accord with a locality's comprehensive plan shall be deemed to be substantially in accord with the comprehensive plan if (i) such proposed solar facility is located in a zoning district that allows such solar facilities by right or (ii) such proposed solar facility is designed to serve the electricity or thermal needs of the property upon which such facility is located, or will be owned or operated by an eligible customer-generator or eligible agricultural customer-generator under § 56-594 or by a small agricultural generator under § 56-594.2. The bill authorizes a locality to allow for a substantial accord review for other solar facilities to be advertised and approved concurrently in a public hearing process with a rezoning, special exception, or other approval process. This bill is identical to SB 179.

**HB 552 (Freitas): Bed-and-breakfast operations; definition of restaurant.** Exempts from requirements related to restaurants, including licensure requirements, any bed-and-breakfast operation that prepares food for and offers food to guests, regardless of the time the food is prepared and offered, so long as (i) the premises of the bed-and-breakfast operation is a home that is owner occupied or owner-agent occupied, (ii) the bed-and-breakfast operation prepares food for and offers food to guests only, (iii) the number of guests served by the bed-and-breakfast operation does not exceed 18 on any single day, and (iv) guests for whom food is prepared and to whom food is offered are informed in a manner established by the State Board of Health in regulations that the food is prepared in a kitchen that is not licensed as a restaurant and is not subject to regulations governing restaurants. This bill contains technical amendments.

**HB 594 (Carr): Local government; authority to require abatement of criminal blight on real property.** Authorizes any locality to enact an ordinance that requires corrective action to address criminal blight conditions on certain real property. The bill defines criminal blight to include conditions on real property that endanger residents of the community by the regular presence of persons using the property for controlled substance use or sale and other criminal activities, specifically commercial sex trafficking or prostitution or repeated acts of the malicious discharge of a firearm within a building or dwelling. Current law allows local governments to enact an ordinance for taking action against a property owner with regard to illegal drug activity on such real property within the locality. As introduced, this bill was a recommendation of the Virginia Housing Commission. This bill is identical to SB 451.

**HB 640 (Boysko): Comprehensive plan, locality's; broadband infrastructure.** Provides that a locality's comprehensive plan shall consider strategies to provide broadband infrastructure that is sufficient to meet the current and future needs of residents and businesses in the locality. To this end, local planning commissions may consult with and receive technical assistance from the Center for Innovative Technology, among other resources. Also, in the preparation of a comprehensive plan, broadband infrastructure shall be included among the matters that the local planning commission shall survey and study.

**HB 698 (Poindexter): Land use permits; issuance by Department of Transportation.** Allows the Virginia Department of Transportation (Department) to issue land use permits to the owner of a private residence or business for water and sewer service to cross the Department's right-of-way when no viable alternative exists to provide potable water or to transfer sewer effluent to a qualified drain field as long as the utilities are marked in accord with requirements established by the Department. Currently, the Department may issue land use permits only to a public service company, a company owning or operating an interstate natural gas pipeline, a franchised cable television systems operator, a company that has registered as an operator and has provided proper notification, or a person providing utility service solely for his own agricultural or residential use when the utilities are located on the property owned by the person.

**HB 709 (Bell): Zoning; violation, penalties.** Increases the maximum fine for failure to remove or abate a zoning violation after conviction from \$1,500 to \$2,000 for succeeding 10-day periods after two previous failures to remove or abate the violation in accordance with court-imposed deadlines.

**HB 796 (Hope): Zoning; modification, etc., to property for persons with disabilities, board of zoning appeals.** Requires a locality to give consideration to the need for reasonable modifications in accordance with the Americans with Disabilities Act or state and federal fair housing laws when preparing a zoning ordinance. The bill also alters the standard by which a variance shall be granted by requiring approval if such approval (i) will alleviate a hardship by granting a reasonable modification to a property as requested by a person with a disability and (ii) meets several other conditions as required by existing law. Any variance granted to provide a reasonable modification to a property requested by a person with a disability may expire when the person benefited by it is no longer in need of the modification to such property provided by the variance. If a request for a reasonable modification is made to a locality and is appropriate under the provisions of state and federal fair housing laws, or the Americans with Disabilities Act, as applicable, such request shall be granted by the locality unless a variance from the board of zoning appeals is required in order for such request to be granted.

**HB 987 (Gilbert): Agricultural operations; nuisance.** Requires agricultural operations to be in substantial compliance, defined in the bill, with applicable laws, regulations, and best management practices in order to be exempt from becoming a public or private nuisance. The bill prohibits a person from bringing a nuisance action against any agricultural operation the existence of which was known or reasonably knowable when that person's use or occupancy of his property began. The bill also prohibits anyone other than a person with an ownership interest in the affected property from bringing an action for private nuisance and sets out certain limitations on recovery for compensatory damages. This bill is identical to SB 567.

**HB 1258 (Kilgore): Wireless communications infrastructure; zoning.** Establishes parameters regarding applications for zoning approvals for certain wireless support structures. Applications for certain new wireless support structures that are 50 feet or less above ground level and for the co-location on an existing structure of a wireless facility that is not a small cell facility are exempt from requirements that they obtain a special exception, special use permit, or variance, though a locality may require administrative review for the issuance of any zoning permits or an acknowledgement that zoning approval is not required for such projects. Aspects of the zoning approval process addressed in this measure include periods for approval or disapproval of applications; a requirement that applications are deemed approved if not approved or disapproved within the applicable period; application fees; a prohibition against unreasonably discriminating between applicants and other wireless services providers, providers of telecommunications services, and other providers of functionally-equivalent service; and limits on the number of new wireless support structures that can be installed in a specific location. The measure prohibits a locality, in its receiving, consideration, and processing of an application for zoning approval, from engaging in certain activities. The measure states that it does not prohibit a locality from disapproving an application submitted under a standard process project on the basis of the availability of existing wireless support structures within a reasonable distance that could be used for co-location at reasonable terms and conditions without imposing technical limitations on the applicant. The measure also requires that any publicly owned or privately owned wireless service provider operating within the Commonwealth or serving residents of the Commonwealth shall, by January 1, 2019, and annually thereafter until January 1, 2025, provide to the Department of Housing and Community Development a report detailing, by county, city, or town, enhanced service capacity in previously served areas and expansion of service in previously unserved geographic areas that are provided access to wireless service. The measure also directs the Secretariats of Commerce and Trade and Public Safety and Homeland Security to convene a group of stakeholders to develop a plan for expanding access to wireless services in unserved and underserved areas of the Commonwealth. This bill is identical to SB 405.

**HB 1427 (Kilgore): Wireless support structures; public rights-of-way use fees established.** Establishes an annual wireless support structure public rights-of-way use fee to be charged to wireless services providers and wireless infrastructure providers in connection with a permit for occupation and use of the public rights-of-way under the jurisdiction of the Department of Transportation (VDOT) for the construction of new wireless support structures. The amount of the use fee is (i) \$1,000 for any wireless support structure at or below 50 feet in height; (ii) \$3,000 for any wireless support structure above 50 feet and at or below 120 feet in height; (iii) \$5,000 for any wireless support structure above 120 feet in height; and (iv) \$1 per square foot for any other equipment, shelter, or associated facilities constructed on the ground. The measure provides that the use fee amounts shall be adjusted every five years on the

basis of inflation. The measure also provides that VDOT may elect to continue enforcing any existing agreement, contract, license, easement, or permit allowing the use of the public rights-of-way by a wireless services provider or wireless infrastructure provider existing prior to July 1, 2018. This bill is identical to SB 823.

**SB 129 (Cosgrove, Jr.): Subdivision ordinance; pro rata share of certain road improvements.** Adds the Cities of Chesapeake and Portsmouth to those localities that may require payment by a subdivider or developer of land of a pro rata share of the cost of reasonable and necessary road improvements, located outside the property limits of the land owned or controlled by him but serving an area having related traffic needs to which his subdivision or development will contribute, to reimburse an initial subdivider or developer who has advanced such costs or constructed such road improvements. The City of Chesapeake appears to have been inadvertently dropped from this statute during a 2007 Code title revision.

**SB 179 (Stanley, Jr.): Comprehensive plan; solar facilities.** Provides that a solar facility subject to provisions requiring the facility to be substantially in accord with a locality's comprehensive plan shall be deemed to be substantially in accord with the comprehensive plan if (i) such proposed solar facility is located in a zoning district that allows such solar facilities by right or (ii) such proposed solar facility is designed to serve the electricity or thermal needs of the property upon which such facility is located, or will be owned or operated by an eligible customer-generator or eligible agricultural customer-generator under § 56-594 or by a small agricultural generator under § 56-594.2. The bill authorizes a locality to allow for a substantial accord review for other solar facilities to be advertised and approved concurrently in a public hearing process with a rezoning, special exception, or other approval process. This bill is identical to HB 509.

**SB 265 (Lewis, Jr.): Coastal Adaptation and Protection, Special Assistant to the Governor; position created.** Creates the executive branch position of Special Assistant to the Governor for Coastal Adaptation and Protection (the Assistant). The bill provides that the Assistant shall be the lead in developing and in providing direction and ensuring accountability for a statewide coastal flooding adaptation strategy. The bill directs the Assistant to initiate and assist with economic development opportunities associated with adaptation, to advance academic expertise at the Commonwealth Center for Recurrent Flooding and Resiliency, and to pursue federal, state, and local funding opportunities for adaptation initiatives. This bill is identical to HB 345.

**SB 405 (McDougle): Wireless communications infrastructure; zoning.** Establishes parameters regarding applications for zoning approvals for certain wireless support structures. Applications for certain new wireless support structures that are 50 feet or less above ground level and for the co-location on an existing structure of a wireless facility that is not a small cell facility are exempt from requirements that they obtain a special exception, special use permit, or variance, though a locality may require administrative review for the issuance of any zoning permits or an acknowledgement that zoning approval is not required for such projects. Aspects of the zoning approval process addressed in this measure include periods for approval or disapproval of applications; a requirement that applications are deemed approved if not approved or disapproved within the applicable period; application fees; a prohibition against unreasonably discriminating between applicants and other wireless services providers, providers of telecommunications services, and other providers of functionally-equivalent service; and limits on the number of new wireless support structures that can be installed in a specific location. The measure prohibits a locality, in its receiving, consideration, and processing of an application for zoning approval, from engaging in certain activities. The measure states that it does not prohibit a locality from disapproving an application submitted under a standard process project on the basis of the availability of existing wireless support structures within a reasonable distance that could be used for co-location at reasonable terms and conditions without imposing technical limitations on the applicant. The measure also requires that any publicly owned or privately owned wireless service provider operating within the Commonwealth or serving residents of the Commonwealth shall, by January 1, 2019, and annually thereafter until January 1, 2025, provide to the Department of Housing and Community Development a report detailing, by county, city, or town, enhanced service capacity in previously served areas and expansion of service in previously unserved geographic areas that are provided access to wireless service. The measure also directs the Secretariats of Commerce and Trade and Public Safety and Homeland Security to convene a group of stakeholders to develop a plan for expanding access to wireless services in unserved and underserved areas of the Commonwealth. This bill is identical to HB 1258.

**SB 451 (Dance): Local government; authority to require abatement of criminal blight on real property.** Authorizes any locality to enact an ordinance that requires corrective action to address criminal blight conditions on

certain real property. The bill defines criminal blight to include conditions on real property that endanger residents of the community by the regular presence of persons using the property for controlled substance use or sale and other criminal activities, specifically commercial sex trafficking or prostitution or repeated acts of the malicious discharge of a firearm within a building or dwelling. Current law allows local governments to enact an ordinance for taking action against a property owner with regard to illegal drug activity on such real property within the locality. As introduced, this bill was a recommendation of the Virginia Housing Commission. This bill is identical to HB 594.

**SB 823 (McDougle): Wireless support structures; public rights-of-way use fees established.** Establishes an annual wireless support structure public rights-of-way use fee to be charged to wireless services providers and wireless infrastructure providers in connection with a permit for occupation and use of the public rights-of-way under the jurisdiction of the Department of Transportation (VDOT) for the construction of new wireless support structures. The amount of the use fee is (i) \$1,000 for any wireless support structure at or below 50 feet in height; (ii) \$3,000 for any wireless support structure above 50 feet and at or below 120 feet in height; (iii) \$5,000 for any wireless support structure above 120 feet in height; and (iv) \$1 per square foot for any other equipment, shelter, or associated facilities constructed on the ground. The measure provides that the use fee amounts shall be adjusted every five years on the basis of inflation. The measure also provides that VDOT may elect to continue enforcing any existing agreement, contract, license, easement, or permit allowing the use of the public rights-of-way by a wireless services provider or wireless infrastructure provider existing prior to July 1, 2018. This bill is identical to HB 1427.

**SB 993 (Reeves): Local planning commissions; proposed plats.** Prohibits a local planning commission from delaying the official submission of any proposed plat, site plan, or plan of development by requiring presubmission conferences, meetings, or reviews. The bill eliminates exemptions (i) for deficiencies caused by changes, errors, or omissions occurring in the applicant's plat, site plan, or plan of development filings after the initial submission of such plat, site plan, or plan of development and (ii) from the review and approval of construction plans.

**SB 995 (Carrico, Sr.): Outdoor advertising; regulation, signs in sight of public highways.** Provides that signs that are related to public safety, provide directional information, or provide public information may be situated or installed in highway rights-of-way. The bill provides that any signs other than those related to public safety, providing directional information, or providing public information may not be situated or installed in highway rights-of-way.

## **HOUSING & BUILDING REGULATION**

**HB 22 (Ware): Water and sewer connections; mandatory in Powhatan County.** Adds Powhatan County and Smyth County to the list of counties that may require connection to their water and sewer systems by owners of property that can be served by the systems if the property, at the time of installation of such public system, or at a future time, does not have a then-existing, correctable, or replaceable domestic supply or source of potable water and a then-existing, correctable, or replaceable system for the disposal of sewage adequate to prevent the contraction or spread of infectious, contagious, and dangerous diseases. Smyth County is also added to those counties with authority to assume the obligations of a public service authority under the same terms and conditions as applicable to the public service authority.

**HB 609 (Carr): Housing; installation and maintenance of smoke and carbon monoxide alarms in rental property.** Creates a statewide standard for the installation and maintenance of smoke and carbon monoxide alarms in rental property. The bill requires a landlord (i) to install a smoke alarm but does not permit a locality to require new or additional wiring or the upgrading of smoke alarms under certain conditions and (ii) to certify annually that smoke alarms have been installed and maintained in good working order in a residential dwelling unit pursuant to the Statewide Fire Prevention Code (§ 27-94 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.). The landlord is also required to install a carbon monoxide alarm upon request by a tenant; the installation and subsequent maintenance must be in compliance with the Statewide Fire Prevention Code and the Uniform Statewide Building Code. A tenant of a rental dwelling unit with a smoke alarm or both smoke and carbon monoxide alarms shall not tamper or remove such alarms. Under the bill, a reasonable accommodation must be made for persons who are deaf or hearing impaired, upon request. Localities that have enacted a fire and carbon monoxide alarm ordinance must conform such ordinances with these state standards by July 1, 2019. The bill also requires the Department of Housing and Community Development, in consultation with the Department of Fire Programs, to develop a form for landlords

for use in certifying inspections that summarizes smoke alarm maintenance requirements for landlords and tenants. The bill, as introduced, is a recommendation of the Virginia Housing Commission.

**HB 859 (Peace): Uniform Statewide Building Code; administration and enforcement, agreements for assistance.** Provides that the local governing body of a county or municipality may enter into an agreement with the governing body of another county or municipality for the provision to such county or municipality's local building department of technical assistance with administration and enforcement of the Building Code.

**HB 923 (Bulova): Common Interest Community Board; information on covenants, association disclosure packets.** Requires the Common Interest Community Board (Board) to reconfigure its current one-page form that accompanies association disclosure packets that are required to be provided to all prospective purchasers of lots located within a development that is subject to the Virginia Property Owners' Association Act as a cover form to accompany both association disclosure packets and resale certificates that are required to be provided to all prospective purchasers of units located within a condominium that is subject to the Condominium Act. The bill also requires the Board to expand the breadth of information that is included on the form to provide potential purchasers with additional information regarding restrictive covenants that the potential purchaser may be subject to as a member of a property owners' association or a unit owners' association and which may affect the potential purchaser's decision to purchase a lot or unit located within a common interest community.

**HB 1031 (Watts): Common interest communities; disclosure packets.** Requires that as a prerequisite to charging any fees for the preparation of disclosure packets, both professionally managed property owners' associations and property owners' associations that are not professionally managed must register with the Common Interest Community Board, file annual reports, and make annual assessment payments. Additionally, a professionally managed property owners' association must provide the disclosure packet electronically if so requested by the requester in order to charge fees. The bill allows a property owners' association that is not professionally managed to charge fees at the option of the seller or the seller's agent for (i) expediting the inspection, preparation, and delivery of the disclosure packet; (ii) providing an additional hard copy of the disclosure packet; and (iii) providing third-party commercial delivery service. A property owners' association that is not professionally managed may also charge and collect fees for inspection of the property, the preparation and issuance of an association disclosure packet, and such other services as provided by professionally managed property owners' associations as long as the association provides the disclosure packet electronically if so requested by the requester and complies with the other requirements of collecting fees for disclosure packets by professionally managed property owners' associations.

**HB 1533 (Kory): Virginia Property Owners' Association Act; applicability.** Provides that the Virginia Property Owners' Association Act (§ 55-508 et seq.) shall be applicable to any development established prior to the former Subdivided Land Sales Act (§ 55-336 et seq.) (i) located in a county with an urban county executive form of government, (ii) containing 500 or more lots, (iii) each lot of which is located within the boundaries of a watershed improvement district established pursuant to Article 3 (§ 10.1-614 et seq.) of Chapter 6 of Title 10.1, and (iv) each lot of which is subject to substantially similar deed restrictions.

**SB 328 (Dunnavant): Common Interest Community Board; disclosure packets, registration of associations.** Requires the Common Interest Community Board to include information specifying the period or length of declarant control in its current one-page form that accompanies association disclosure packets that are required to be provided to all prospective purchasers of lots located within a development that is subject to the Virginia Property Owners' Association Act. With a delayed effective date of July 1, 2019, the bill also requires, unless control of the association of the development has been transferred to the members, that the developer register the association with the Common Interest Community Board within 30 days after recordation of the declaration and file required reports thereafter.

**SB 391 (Barker): Housing; installation and maintenance of smoke and carbon monoxide alarms in rental property.** Creates a statewide standard for the installation and maintenance of smoke and carbon monoxide alarms in rental property. The bill requires a landlord (i) to install a smoke alarm but does not permit a locality to require new or additional wiring or the upgrading of smoke alarms under certain conditions and (ii) to certify annually that smoke alarms have been installed and maintained in good working order in a residential dwelling unit pursuant to the Statewide Fire Prevention Code (§ 27-94 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.). The landlord is also required to install a carbon monoxide alarm upon request by a tenant; the installation and subsequent maintenance must be in compliance with the Statewide Fire Prevention Code and the Uniform Statewide Building

Code. A tenant of a rental dwelling unit with a smoke alarm or both smoke and carbon monoxide alarms shall not tamper or remove such alarms. Under the bill, a reasonable accommodation must be made for persons who are deaf or hearing impaired, upon request. Localities that have enacted a fire and carbon monoxide alarm ordinance must conform such ordinances with these state standards by July 1, 2019. The bill also requires the Department of Housing and Community Development, in consultation with the Department of Fire Programs, to develop a form for landlords for use in certifying inspections that summarizes smoke alarm maintenance requirements for landlords and tenants. The bill, as introduced, is a recommendation of the Virginia Housing Commission. This bill incorporates SB 743 and is identical to HB 609.

**SB 722 (Surovell): Condominium and Property Owners' Association Acts; access to association books and records.** Provides that books and records kept by or on behalf of a unit owners' association or a property owners' association shall be withheld from inspection and copying in their entirety only to the extent that an exclusion from disclosure enumerated in the Condominium Act or Property Owners' Association Act, as applicable, applies to the entire content of such books and records. The bill provides that, otherwise, only those portions of the books and records containing information subject to an exclusion may be withheld, and all portions of the books and records that are not so excluded shall be disclosed at the requesting member's expense.

### **PROFESSIONAL REGULATION**

**HB 101 (Head): Tradesmen; expiration date of licenses issued by Board for Contractors.** Provides that licenses for tradesmen shall expire three years from the date of issuance by the Board for Contractors. The bill requires the Board to sync the expiration date of a tradesman license, which is currently on a two-year cycle, to updates to the Uniform Statewide Building Code, which are typically on a three-year cycle.

**HB 164 (Yancey): Contractors, Board for; prerequisites to obtaining a building permit.** Removes the requirement that a building permit applicant's written statement that he is not subject to licensure or certification as a contractor or subcontractor be supported by an affidavit. The bill contains technical amendments.

**HB 439 (Bulova): Real Estate Board; licensees may assist in translation of real estate documents.** Professions and occupations; Real Estate Board; licensees; translation of real estate documents. Provides that if a party to a real estate transaction requests translation of a contract or other real estate document from the English language to another language, a real estate licensee may assist such party in obtaining a translator or may refer such party to an electronic translation service and that, in doing so, the licensee shall not be deemed to have breached any of his obligations as a real estate licensee or otherwise become liable for any inaccuracies in the translation. The bill provides that a licensee shall not charge a fee for such assistance or referral. This bill is identical to SB 528.

**HB 523 (Lindsey): Architects, Professional Engineers, Land Surveyors, etc., Board for; membership.** Adds two nonlegislative citizen members to the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects.

**HB 674 (Davis): Common Interest Community Board; developer may obtain surety bond or letter of credit.** Provides that in lieu of escrowing deposits made in connection with the purchase or reservation of a time-share product a developer may obtain a corporate surety bond or letter of credit with the Common Interest Community Board where the time-share project consists of more than 25 units. Currently, the developer is required to escrow the individual deposits for every purchase and file with the Board a bond or letter of credit or cash for the purpose of protecting all deposits.

**HB 732 (Hodges): Contractors; work without valid Va. license, prohibited acts.** Provides that a construction contract entered into by a person undertaking work without a valid Virginia contractor's license shall not be enforceable by the unlicensed contractor undertaking the work unless the unlicensed contractor (i) gives substantial performance within the terms of the contract in good faith and (ii) did not have actual knowledge that a license or certificate was required to perform the work for which he seeks to recover payment. This bill is identical to SB 478.

**HB 752 (Leftwich): Accountants, public; issuance, renewal, and reinstatement of licenses.** Changes from every 12 months to a time period set by the Board of Accountancy the renewal requirement for licenses granted to provide

the license holder the privilege of using the CPA title. The bill provides that any such license issued between the effective date of the bill and June 30, 2018, shall expire on June 30, 2019. The bill contains an emergency clause and is identical to SB 428.

**HB 823 (Knight): Contractors, general; waiver or diminishment of lien rights, subordination of lien rights.** Provides that a general contractor may not waive or diminish his lien rights in a contract in advance of furnishing any labor, services, or materials. The bill further provides that, notwithstanding the prohibition against waiving or diminishing such a lien right, a general contractor may, prior to or after providing any labor, services, or materials, contract to subordinate his lien rights to prior and later recorded deeds of trust, provided that such contract is (i) in writing and (ii) signed by any general contractor whose lien rights are being subordinated pursuant to such contract. This bill is identical to SB 319.

**HB 862 (Peace): Real estate teams; required to obtain a business entity license.** Requires real estate teams as defined in the bill to obtain a business entity salesperson's license from the Real Estate Board (the Board). The bill requires a principal broker to obtain a branch office license from the Board for each place of business maintained by such principal broker within the Commonwealth. The bill also expands the responsibilities of supervising brokers as defined in the bill and requires that as a condition of the renewal of a branch office license, the supervising broker shall provide to the Board the name and license number of each real estate licensee affiliated with the branch office at the time of the renewal. The bill has a delayed effective date of January 1, 2019. This bill is identical to SB 758.

**HB 864 (Ingram): Real Estate Board; powers and duties, escrow funds.** Establishes notice provisions and required procedures to be followed in the case of escrow funds held by a real estate broker in the event of termination of a real estate purchase contract. In addition, the bill requires that the curricula for new licensees of the Real Estate Board include real estate-related finance as one of the topics and requires the Board to establish guidelines for a post-license educational curriculum for real estate salespersons consisting of at least 30 hours of instruction to be completed within one year from the last day of the month in which the initial license was issued. The bill (i) adds to the curriculum for broker continuing education courses the requirement that at least two hours of instruction include an overview of broker supervision requirements under Virginia law and Board regulations and (ii) provides for the Board to develop a form for signature by the parties to a real estate transaction that advises the purchaser to review the residential property disclosure statement on the Board's website. The bill also clarifies that the Board is required to make the disclosure form mandated by the Virginia Residential Property Disclosure Act (§ 55-517 et seq.) available on the Board's website. Provisions of the bill amending the curriculum and instruction requirements have a delayed effective date of January 1, 2019. This bill is identical to SB 514.

**HB 1114 (Van Valkenburg): Professional and occupational regulation; authority to suspend or revoke licenses, certificates.** Provides that the Department of Professional and Occupational Regulation, the Department of Health Professions, the Board of Accountancy, and the Board of Education shall not be authorized to suspend or revoke the license, certificate, registration, permit, or authority it has issued to any person who is in default or delinquent in the payment of a federal-guaranteed or state-guaranteed educational loan or work-conditional scholarship solely on the basis of such default or delinquency.

**HB 1453 (Ware): Real estate appraisers; changes definition of "evaluations."** Changes the definition of "evaluation" from an analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real property to an opinion of the market value of real property or real estate that may be utilized in connection with a real estate-related financial transaction where an appraisal by a state-certified or state-licensed appraiser is not required by the state or federal financial institution's regulatory agency engaging in, contracting for, or regulating such real estate-related financial transaction or regulating the financial institution or lender engaged in or about to engage in such real estate-related financial transaction. The bill requires that an evaluation meet the format requirements of the federal Interagency Appraisal and Evaluation Guidelines, include sufficient information in clear and understandable language to allow a person to understand the opinion of the market value of real property or real estate, and contain the statement: "This is not an appraisal performed in accordance with the Uniform Standards of Professional Appraisal Practice."

**HB 1506 (Bell): Appraisal management companies; clarifies definition, state-licensed appraisers.** Amends the definition of appraisal management company and adds definitions for appraisal management services and appraiser panel. The bill also requires applicants for an appraisal management company license to certify to the Virginia Real



Estate Appraiser Board that any person or entity that owns any part of the appraisal management company has never had a license to act as an appraiser refused, denied, canceled, surrendered in lieu of revocation, or revoked by the Commonwealth or any other state. Current law only requires such applicants to provide such certification regarding any person or entity that owns 10 percent or more of the appraisal management company. This bill is identical to SB 979.

**SB 319 (Ruff, Jr.): Contractors, general; waiver or diminishment of lien rights, subordination of lien rights.** Provides that a general contractor may not waive or diminish his lien rights in a contract in advance of furnishing any labor, services, or materials. The bill further provides that, notwithstanding the prohibition against waiving or diminishing such a lien right, a general contractor may, prior to or after providing any labor, services, or materials, contract to subordinate his lien rights to prior and later recorded deeds of trust, provided that such contract is (i) in writing and (ii) signed by any general contractor whose lien rights are being subordinated pursuant to such contract. This bill is identical to HB 823.

**SB 428 (Barker): Accountants, public; issuance, renewal, and reinstatement of licenses.** Changes from every 12 months to a time period set by the Board of Accountancy the renewal requirement for licenses granted to provide the license holder the privilege of using the CPA title. The bill provides that any such license issued between the effective date of the bill and June 30, 2018, shall expire on June 30, 2019. The bill contains an emergency clause. This bill is identical to HB 752.

**SB 443 (Cosgrove, Jr.): Common Interest Community Board; developer may obtain surety bond or letter of credit.** Provides that in lieu of escrowing deposits made in connection with the purchase or reservation of a time-share product a developer may obtain a corporate surety bond or letter of credit with the Common Interest Community Board where the time-share project consists of more than 25 units. Currently, the developer is required to escrow the individual deposits for every purchase and file with the Board a bond or letter of credit or cash for the purpose of protecting all deposits. This bill is identical to HB 674.

**SB 478 (Reeves): Contractors; work without valid Va. license, prohibited acts.** Provides that a construction contract entered into by a person undertaking work without a valid Virginia contractor's license shall not be enforceable by the unlicensed contractor undertaking the work unless the unlicensed contractor (i) gives substantial performance within the terms of the contract in good faith and (ii) did not have actual knowledge that a license or certificate was required to perform the work for which he seeks to recover payment. This bill is identical to HB 732.

**SB 514 (Suetterlein): Real Estate Board; powers and duties, escrow funds.** Establishes notice provisions and required procedures to be followed in the case of escrow funds held by a real estate broker in the event of termination of a real estate purchase contract. In addition, the bill requires that the curricula for new licensees of the Real Estate Board (the Board) include real estate-related finance as one of the topics and requires the Board to establish guidelines for a post-license educational curriculum for real estate salespersons consisting of at least 30 hours of instruction to be completed within one year from the last day of the month in which the initial license was issued. The bill (i) adds to the curriculum for broker continuing education courses the requirement that at least two hours of instruction include an overview of broker supervision requirements under Virginia law and Board regulations and (ii) requires the Board to develop a form to be signed by the parties to a real estate transaction to acknowledge that the purchaser has been advised to review the residential property disclosure statement on the Board's website. The bill also clarifies that the Board is required to make available on its website the disclosure form mandated by the Virginia Residential Property Disclosure Act (§ 55-517 et seq.). Provisions of the bill amending the curriculum and instruction requirements have a delayed effective date of January 1, 2019. This bill is identical to HB 864.

**SB 528 (Mason): Real Estate Board; licensees may assist in translation of real estate documents.** Provides that if a party to a real estate transaction requests translation of a contract or other real estate document from the English language to another language, a real estate licensee may assist such party in obtaining a translator or may refer such party to an electronic translation service and that, in doing so, the licensee shall not be deemed to have breached any of his obligations as a real estate licensee or otherwise become liable for any inaccuracies in the translation. The bill provides that a licensee shall not charge a fee for such assistance or referral. This bill is identical to HB 439.

**SB 529 (Mason): Contractors, Board for; prerequisites to obtaining a building permit.** Removes the requirement that a building permit applicant's written statement that he is not subject to licensure or certification as a contractor or subcontractor be supported by an affidavit. The bill contains technical amendments. This bill is identical to HB 164.

**SB 569 (DeSteph, Jr.): Contractors; exemption from licensure certain students.** Exempts from licensure any person who is performing work directly under the supervision of a licensed contractor and is (i) a student in good standing and enrolled in a public or private institution of higher education, (ii) a student enrolled in a career training or technical education program, or (iii) an apprentice. The bill expands a current exemption from licensure for work undertaken by a person providing construction, remodeling, repair, improvement, removal, or demolition on behalf of a properly licensed contractor by raising the value threshold from \$2,500 or less to \$5,000 or less per project and by adding a home improvement building contractor classification to the list of valid licenses the supervising contractor may hold.

**SB 758 (Sturtevant, Jr.): Real estate teams; required to obtain a business entity license.** Requires real estate teams as defined in the bill to obtain a business entity salesperson's license from the Real Estate Board (the Board). The bill requires a principal broker to obtain a branch office license from the Board for each place of business maintained by such principal broker within the Commonwealth. The bill also expands the responsibilities of supervising brokers as defined in the bill and requires that as a condition of the renewal of a branch office license, the supervising broker shall provide to the Board the name and license number of each real estate licensee affiliated with the branch office at the time of the renewal. The bill has a delayed effective date of January 1, 2019. This bill is identical to HB 862.

**SB 918 (Ebbin): Professional and occupational regulation; authority to suspend or revoke licenses, certificates.** Provides that the Board of Education, the Board of Accountancy, and regulatory boards within the Department of Professional and Occupational Regulation and the Department of Health Professions shall not be authorized to suspend or revoke the license, certificate, registration, permit, or authority issued to any person who is in default or delinquent in the payment of a federal-guaranteed or state-guaranteed educational loan or work-conditional scholarship solely on the basis of such default or delinquency.

**SB 979 (Chafin): Appraisal management companies; clarifies definition, state-licensed appraisers.** Amends the definition of appraisal management company and adds definitions for appraisal management services and appraiser panel. The bill also requires applicants for an appraisal management company license to certify to the Virginia Real Estate Appraiser Board that any person or entity that owns any part of the appraisal management company has never had a license to act as an appraiser refused, denied, canceled, surrendered in lieu of revocation, or revoked by the Commonwealth or any other state. Current law only requires such applicants to provide such certification regarding any person or entity that owns 10 percent or more of the appraisal management company. This bill is identical to HB 1506.

## **LANDLORD/TENANT**

**HB 311 (Simon): Unlawful detainer, summons for; foreclosure.** Provides that a former owner who remains in possession of a single-family residential dwelling unit on the date of a foreclosure sale becomes a tenant at sufferance. The bill further provides that the successor owner may file an unlawful detainer action three days after giving the tenant written termination notice. Finally, the bill provides that the tenant shall be responsible for payment of fair market rental from the date of the foreclosure until the date the tenant vacates the dwelling unit, as well as damages, and for payment of reasonable attorney fees and court costs.

**HB 855 (Peace): Landlord and tenant law; notice requirements, landlord's acceptance of rent with reservation.** Changes the landlord and tenant law notice requirements for landlords to accept full or partial rent while continuing to proceed with a court action to obtain an order of possession and subsequent eviction by creating a single notice and removing the requirement for second notice for the time period between entry of an order of possession and prior to eviction. The bill provides that the landlord may accept full or partial payment of rent and still receive an order of possession and proceed with eviction if the landlord states in the written notice to the tenant that any payment of rent, damages, money judgment, award of attorney fees, and court costs would be accepted with reservation and not constitute a waiver of the landlord's right to evict the tenant from the dwelling unit. The bill also provides that if a

dwelling unit is a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development, written notice of acceptance of rent with reservation need not be given to any public agency paying a portion of the rent under the rental agreement. This bill is identical to SB 197.

**HB 856 (Peace): Unlawful detainer; execution of writ of possession.** Permits a judge, upon request of the plaintiff, to issue a writ of possession immediately upon entry of judgment in an unlawful detainer case. The bill requires the sheriff to serve notice of the writ, including the date and time of eviction, on the defendant at least 72 hours prior to execution of the writ. The bill further provides that a sheriff shall not evict the defendant from the dwelling unit sooner than the expiration of the defendant's 10-day appeal period.

**HB 857 (Peace): Landlord and tenant law; general provisions and Act.** Removes remaining differences between general landlord and tenant provisions and the Virginia Residential Landlord and Tenant Act by conforming provisions pertaining to residential dwelling units in the following areas: (i) termination of a nonresidential tenancy by self-help eviction or by filing an unlawful detainer action; (ii) tenant obligations to maintain a dwelling unit; (iii) notice to the tenant in the event of foreclosure; (iv) wrongful failure to supply heat, water, hot water, or essential services; (v) prohibited provisions in the rental agreement; (vi) early termination of a rental agreement by military personnel; and (vii) remedies for the landlord's failure to deliver possession. The bill also makes the following changes to landlord and tenant law: (a) clarifies the lease termination process; (b) provides that if a tenant allows his renter's insurance to lapse, the landlord may provide coverage and require the tenant to pay the premium; (c) establishes protection for landlords who provide tenant information to a federal census official; (d) authorizes a landlord or property manager to appear in court to seek final rent and damages related to a dwelling unit; and (e) clarifies remedies for a tenant's failure to prepare the dwelling unit for insecticide or pesticide applications.

**HB 1047 (Torian): Manufactured Home Lot Rental Act; definition of manufactured home park.** Reduces from 10 to five the minimum number of manufactured homes on a parcel of land under single or common ownership that meets the definition of a manufactured home park subject to the Manufactured Home Lot Rental Act (§ 55-248.41 et seq.).

**HB 1227 (Hayes, Jr.): Landlord and tenant law; transient lodging as primary residence.** Clarifies that the availability of the use of self-help eviction in certain circumstances to the owner of transient lodging shall not preclude such owner from pursuing any civil or criminal remedies under the laws of the Commonwealth.

**SB 197 (Locke): Landlord and tenant law; notice requirements, landlord's acceptance of rent with reservation.** Changes the landlord and tenant law notice requirements for landlords to accept full or partial rent while continuing to proceed with a court action to obtain an order of possession and subsequent eviction by creating a single notice and removing the requirement for second notice for the time period between entry of an order of possession and prior to eviction. The bill provides that the landlord may accept full or partial payment of rent and still receive an order of possession and proceed with eviction if the landlord states in the written notice to the tenant that any payment of rent, damages, money judgment, award of attorney fees, and court costs would be accepted with reservation and not constitute a waiver of the landlord's right to evict the tenant from the dwelling unit. The bill also provides that if a dwelling unit is a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development, written notice of acceptance of rent with reservation need not be given to any public agency paying a portion of the rent under the rental agreement. This bill is identical to HB 855.

**SB 286 (Spruill, Sr.) Landlord and tenant law; transient lodging as primary residence.** Clarifies that the availability of the use of self-help eviction in certain circumstances to the owner of transient lodging shall not preclude such owner from pursuing any civil or criminal remedies under the laws of the Commonwealth. This bill is identical to HB 1227.

## **EMINENT DOMAIN**

**HB 162 (Ware): Proceeds of a sale, a partition suit, or condemnation proceeding; persons under a disability, etc.** Increases the amount of funds that a court can distribute, without the intervention of a fiduciary, to a person under

a disability who is the recipient of those funds pursuant to a suit for the sale or lease of lands, a partition suit, or condemnation proceedings. The bill further provides that such funds may be distributed to a special needs trust at the request of an appointed fiduciary or guardian ad litem of the person under a disability or upon the court's own motion.

**HB 1564 (Yancey): Eminent domain; empanelment of commissioners.** Increases from at least six to at least eight the number of names of qualified persons each party shall submit to the court if they cannot agree upon five to nine qualified persons to act as commissioners. The bill also increases from nine to thirteen the number of names the court shall select as potential commissioners from the submitted lists.

**SB 278 (Peterson): Eminent domain proceedings; distribution of funds to owner or owner's attorney.** Requires that any funds due to the owner, whether such funds are in the possession of the court or are outstanding, shall be payable to the owner or, with consent of the owner, to the owner's attorney within 30 days of a settlement or final determination in an eminent domain proceeding. The bill further provides that the payment provision does not alter the priority of liens or any obligation to satisfy or release any outstanding liens on the property or the funds.

**SB 809 (Peterson): Eminent domain; calculation of lost profits amends definitions.** Amends, in the definitions of "lost profits" and "business profit" for the purposes of eminent domain, the period for which lost profits are calculated to a period not to exceed three years from the later of (i) the date of valuation or (ii) the date the state agency or its contractor prevents the owner from using the land or any of the owner's other property rights are taken. Under current law, lost profits are calculated for a period not to exceed (a) three years from the date of valuation if less than the entire parcel of property is taken or (b) one year from the date of valuation if the entire parcel of property is taken. The bill specifies that the person claiming lost profits is entitled to compensation whether part of the property or the entire parcel of property is taken. The bill further specifies that if the owner is not named in the petition for condemnation, he may intervene in the proceeding and that proceedings to adjudicate lost profits may be bifurcated from the other proceedings to determine just compensation if the lost profits claim period will not expire until one year or later from the date of the filing of the petition for condemnation, but such bifurcation shall not prevent the entry of an order confirming indefeasible title to the land interests acquired by the condemning authority. This bill incorporates SB 911.

## **TRANSPORTATION**

**HB 384 (Keam): Washington Metropolitan Area Transit Authority Board of Directors; review of Board.** Directs the Secretary of Transportation to conduct a review of the Washington Metropolitan Area Transit Authority Board of Directors membership provisions.

**HB 765 (Jones): Transportation processes in the Commonwealth; responsibilities of transportation entities, funding.** Expands the responsibilities of the Office of Intermodal Planning and Investment of the Secretary of Transportation (Office). The bill clarifies the residency requirements for the urban and rural at-large members of the Commonwealth Transportation Board (Board) and provides that no member of a governing body of a locality is eligible to be appointed to the Board during his term of office. The bill provides that the Board's Six-Year Improvement Program shall only commit funds from the State of Good Repair Program, the High Priority Projects Program, or the Highway Construction District Grant Programs to a project or program if such commitment is sufficient to complete the project or program. The bill changes the timing of reports from annually to biennially, expands the requirements of the biennial report provided by the Commissioner of Highways, and requires the Office to submit a biennial report as described in the bill. The bill decreases the maximum matching allocation that the Board may make to a locality from \$10 million to \$5 million and provides that no more than \$2.5 million of such funds can be used for the maintenance of highway systems. The bill changes the amount of Commonwealth funds allocated to the Board for revenue-sharing from no less than \$15 million and no more than \$200 million to not in excess of \$100 million or seven percent of funds available for distribution by the Board from all funds made available for highway purposes, whichever is greater.

**HB 775 (Landes): Removal of snow and ice; county executive form of government.** Authorizes any county outside Planning District 8 that has adopted the county executive form of government (Albemarle County) to provide by ordinance reasonable criteria and requirements for the removal of accumulations of snow and ice from public

sidewalks by the owner or other person in charge of any occupied property. Currently, only counties within Northern Virginia Planning District 8 may adopt such an ordinance. This bill is identical to SB 684.

**HB 800 (Yancey): Towing; increases maximum hookup and initial towing fee of any passenger car.** Increases the maximum hookup and towing fee for passenger vehicles from \$135 to \$150. The bill contains a technical amendment. This bill is identical to SB 492.

**HB 922 (Bulova): Electric vehicle charging stations; local and public operation.** Authorizes any locality or public institution of higher education, or the Department of Conservation and Recreation, to locate and operate a retail fee-based electric vehicle charging station on property such entity owns or leases. The bill allows a locality to limit the use of a retail fee-based electric vehicle charging station on its property to employees of the locality and authorized visitors and to install signage that provides notice of such restriction. The bill exempts such a locality, public institution of higher education, or the Department of Conservation and Recreation from being considered a public utility solely because of the sale of electric vehicle charging service or the ownership or operation of an electric vehicle charging station and further exempts such service from constituting the retail sale of electricity. This bill is identical to SB 908.

**HB 955 (Yancey): Public utility vehicles; yielding right-of-way or reducing speed.** Authorizes vehicles used by any public utility company for the purpose of repairing, installing, or maintaining electric or natural gas utility equipment or service to use certain high-intensity amber warning lights. The bill provides that if such a vehicle is stationary and displaying such lights, drivers shall, if possible, make a lane change to the lane not adjacent to the vehicle or reduce speed and proceed with caution.

**HB 1069 (Heretick): Vehicle registration; extension for satisfaction of certain requirements.** Expands eligibility for a one-month extension of a vehicle registration period to include persons whose vehicle registration has been withheld for failure to pay tolls. This bill is identical to SB 575.

**HB 1285 (LaRock): Transportation project selection in Northern Virginia; public meeting.** Requires the Northern Virginia Transportation Authority, the Northern Virginia Transportation Commission, the Virginia Railway Express, and the Commonwealth Transportation Board to annually conduct a joint public meeting for the purposes of presenting to the public, and receiving public comments on, the transportation projects proposed by each entity in Planning District 8.

**HB 1522 (Ingram): Commercial rest areas; prohibits a private entity from operating for commercial purposes.** Prohibits a private entity from operating a rest area for commercial purposes without the approval of the General Assembly. The bill provides that the prohibition does not apply to any program or contract between a private entity and an agency or political subdivision of the Commonwealth authorized pursuant to federal law, regulation, or policy as of July 1, 2018. This bill is identical to SB 905.

**SB 496 (Carrico, Sr.) Off-road recreational vehicles; increases highway speed limit.** Increases from 25 to 35 miles per hour the maximum highway speed limit wherein the governing body of any county, city, or town embraced by the Southwest Regional Recreation Authority may by ordinance authorize the operation of any off-road recreational vehicle. The bill provides that such governing body may by ordinance authorize the operation of any such vehicle for a distance of no more than five miles on any highway that has a maximum speed limit of more than 35 miles per hour.

**SB 643 (McPike): Transportation, Department of; electronic toll collection device fees or exchange.** Prohibits the Department of Transportation from charging maintenance fees for or requiring users to exchange their electronic toll collection device as a result of inactivity for a time period of less than one year.

**SB 679 (Deeds): Second highways; regulating of parking in Albemarle County.** Adds Albemarle County to the list of counties that may, by ordinance, regulate parking on secondary highways. This bill is identical to HB 776.

**SB 896 (Wagner): Motor vehicle fuels; sales tax in certain regions of the Commonwealth.** Establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by requiring that the average distributor price upon which the tax is based be no less than what the statewide average distributor price would have been on February 20, 2013. The bill defines "average distributor price." This bill incorporates SB 140 and is identical to HB 768.

## **ENERGY & ENVIRONMENTAL**

**HB 192 (Yancey): Rainwater and gray water; regulations.** Directs the State Department of Health (the Department) to adopt regulations regarding the use of gray water and rainwater. The regulations shall provide standards for the use of rainwater harvesting systems, which shall include systems that collect rainwater for use by commercial enterprises but do not provide water for human consumption. Such regulations shall not apply to nonpotable water, including graywater and rainwater, that is used by certain specified facilities. The bill also directs the Department to consider recognizing rainwater as an independent source of fresh water.

**HB 211 (Wright, Jr.): Ground water withdrawal permit term; lengthening to 15 years, permit fee.** Lengthens from 10 years to 15 years the maximum term of a ground water withdrawal permit issued by the State Water Control Board. The bill also lengthens from 10 years to 15 years the maximum term of a ground water withdrawal special exception and directs the Board to raise the applicable permit fee from \$6,000 to \$9,000. The bill contains technical amendments.

**HB 358 (Bulova): Ground water management; subdivisions, technical evaluation.** Requires the developer of a subdivision located in a designated ground water management area for which the developer obtains plat approval on or after July 1, 2018, to apply for a technical evaluation, with certain criteria, from the Department of Environmental Quality prior to final subdivision plat approval if there will be 30 or more lots within the subdivision served by private wells.

**HB 377 (Bulova): Virginia Water Protection Permit; exception for stormwater management facility on dry land.** Exempts from the requirement to obtain a Virginia Water Protection Permit any impact to a stormwater management facility on dry land. The bill directs the Department of Environmental Quality to adopt guidance to ensure that any project claiming this exemption creates no more than minimal ecological impact.

**HB 459 (Filler-Corn) Red salamander; designating as state salamander.** Designates the red salamander (*Pseudotriton ruber*) as the state salamander of Virginia.

**HB 494 (Hodges): Land development; replacement of trees, locality within Chesapeake Bay watershed.** Authorizes any locality within the Chesapeake Bay watershed to adopt an ordinance providing for the planting and replacement of trees during the development process. Currently, only a locality with a population density of 75 persons per square mile may adopt such an ordinance. The bill contains technical amendments.

**HB 508 (Hodges): Solar facilities; local regulation.** Provides that a property owner may install a solar facility on the roof of a dwelling or other building to serve the electricity or thermal needs of that dwelling or building, provided that such installation is in compliance with any height and setback requirements in the zoning district where such property is located as well as any provisions pertaining to any local historic or architectural preservation district. Unless a local ordinance provides otherwise, a ground-mounted solar energy generation facility shall also be permitted, provided that such installation is in compliance with any height and setback requirements in the zoning district where such property is located as well as any provision pertaining to any local historic district. Any other proposed solar facility, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to any applicable zoning regulations of the locality. The bill requires that any ground-mounted solar energy generation facility existing as of January 1, 2018, be deemed a legal nonconforming use, with certain exceptions. The bill has a delayed effective date of January 1, 2019, with respect to ground-mounted solar energy generation facilities. This bill is identical to SB 429.

**HB 574 (Hodges): Va. Public Procurement Act; cooperative procurement, stream restoration & stormwater management.** Excludes the purchase of (i) stream restoration and (ii) stormwater management practices, and all associated and necessary construction and maintenance, from the prohibition on using cooperative procurement to purchase construction. This bill is identical to SB 688.

**HB 812 (O'Quinn): Virginia Coal Surface Mining Reclamation Fund Advisory Board; increases membership, duties.** Increases from five to seven the number of members on the Coal Surface Mining Reclamation Fund Advisory Board (the Board). The bill increases from three to four the number of representatives of the coal industry, removes the current member of the public without any coal industry interests, and adds two representatives of conservation

interests. The bill also authorizes the Board to serve as the advisory body required by the Interstate Mining Compact (§ 45.1-271) to advise the Governor, Virginia's representative on the Interstate Mining Commission.

**HB 866 (Orrock, Sr.): Scenic river designations; consolidates provisions of Scenic Rivers Act.** Consolidates provisions of the Scenic Rivers Act relating to prohibitions on the construction of dams and limits on the effects of the Act. The bill contains technical amendments.

**HB 887 (Orrock, Sr.): Onsite sewage systems; adjustment or replacement of sewer lines, etc., is considered maintenance.** Provides that the adjustment or replacement of sewer lines, conveyance lines, distribution boxes, or header lines is considered maintenance of an onsite sewage system and thus does not require a permit. Under current law, adjustment and replacement of such equipment requires the system owner to obtain a permit.

**HB 888 (Orrock, Sr.): Onsite sewage systems & private wells; VDH to take steps to eliminate evaluation & design services.** Directs the Department of Health to take steps to eliminate evaluation and design services for onsite sewage systems and private wells provided by the Department. The bill provides specific requirements and a timeline for such elimination.

**HB 925 (Bulova): Industrial & high-risk programs; locality to adopt, etc., runoff programs.** Authorizes any locality that owns or operates a permitted municipal separate storm sewer system (MS4) to adopt and administer an industrial and high-risk runoff program. The bill authorizes any such locality to include in its industrial and high-risk program an industrial or commercial facility notwithstanding the fact that the facility is also subject to certain permits or the federal Emergency Planning and Community Right-to-Know Act. The bill limits the ability of the State Water Control Board (the Board), unless it is required to do so by federal law, to impose certain regulatory conditions on any locality that administers such a program and prohibits the Board from modifying existing MS4 permits to avoid such limitation. The bill authorizes the Board to require a locality to report an industrial or commercial facility if it becomes aware of a violation of an industrial stormwater management requirement.

**HB 1035 (Hodges): Virginia Water Supply Revolving Fund; loans for regional projects.** Directs the Board of Health, when making loans, loan subsidies, or grants for regional water projects in the Eastern Virginia Groundwater Management Area, to give preference to projects that do not involve the withdrawal of groundwater from the coastal plain aquifer.

**HB 1036 (Hodges): Eastern Virginia groundwater management; Department of Environmental Quality to convene a forum.** Directs the Department of Environmental Quality (the Department) to convene a work group to (i) assist the Department in carrying out the 2017 recommendation of the Eastern Virginia Groundwater Management Advisory Committee that an aquifer storage and recovery banking system be developed and (ii) study and identify the components of a groundwater trading program. The work group shall report its recommendations no later than July 1, 2020.

**HB 1091 (Hodges): Virginia Resources Authority; dredging projects.** Includes within the definition of the term "project" any dredging program or project undertaken to benefit the economic and community development goals of a local government, other than a dredging program or dredging project undertaken for or by the Virginia Port Authority.

**HB 1093 (Hodges): Middle Peninsula Chesapeake Bay Public Access Authority; duties.** Authorizes the Middle Peninsula Chesapeake Bay Public Access Authority (the Authority) to receive and expend public funds and private donations and apply for permits in order to perform dredging projects on waterways and construct facilities and infrastructure within the region for which the Authority exists. The bill requires such projects to enhance recreational or commercial public access.

**HB 1095 (Hodges): Chesapeake Bay public water access authorities; regional dredging.** Authorizes the Middle Peninsula Chesapeake Bay Public Access Authority and the Northern Neck Chesapeake Bay Public Access Authority to undertake dredging projects and authorizes those public access authorities and the Eastern Shore Water Access Authority, which currently is empowered to undertake dredging projects, to work together in any combination to undertake dredging projects in any of their jurisdictions.

**HB 1307 (Hodges): Stormwater management; rural Tidewater, tiered approach to water quantity technical criteria.** Allows any rural Tidewater locality, as defined in the bill, to comply with water quantity technical criteria for certain land-disturbing activities based on the percentage of impervious cover in the watershed. The bill provides that any eligible locality electing to use certain control standards shall, by ordinance, adopt an official map that indicates the percentage of impervious cover in each watershed within the locality and shall update the map at least annually. The bill allows any such locality to apply one of the following three standards for managing water quantity to any new development project: (i) if the site, as indicated on the map, has less than 5.0 percent impervious cover, the standard shall be a particular State Water Control Board regulation; (ii) if the watershed has 5.0 percent or more but less than 7.5 percent impervious cover, the standard shall be the one-year, 24-hour release method; and (iii) if the watershed has 7.5 percent or more impervious cover, the standard shall be the energy balance method. The bill provides that any project whose construction would cause the watershed in which it is located to step up to the next higher tier shall be evaluated under the energy balance method or a more stringent alternative. The bill also directs the Department of Environmental Quality to use an appropriate new or existing Regulatory Advisory Panel to assist in clarifying the interpretation and application of the MS-19 standard.

**HB 1308 (Hodges): Stormwater management; local plan review, acceptance of signed plan in lieu of review.** Authorizes any rural Tidewater locality, whether or not it has opted out of administering a stormwater or erosion and sediment control program, to require that a licensed professional retained by the applicant submit a set of plans and supporting calculations for land-disturbing activities that disturb 2,500 square feet or more but less than one acre of land. The bill requires the plans to bear a certification and to be signed and sealed by the professional. The locality is authorized to accept such plans in satisfaction of the local plan review requirement. The bill also directs the Department of Environmental Quality to examine the possibility of expanding the use of the agreement in lieu of a stormwater management plan, currently authorized for use in the construction of certain single-family residences, to include any nonresidential development site of less than one acre in a rural Tidewater locality.

**HB 1442 (Orrock, Sr.): Real property tax; assessment of wetlands.** Directs the commissioner of revenue, when separately and specially assessing wetlands at the request of the property owner and if the assessing official disagrees with the property owner as to the presence of wetlands, to recognize (i) the National Wetlands Inventory Map prepared by the U.S. Fish and Wildlife Service, (ii) a wetland delineation map confirmed by a Preliminary Jurisdictional Determination, or (iii) an Approved Jurisdictional Determination issued by the U.S. Army Corps of Engineers and provided by the property owner.

**HB 1475 (Poindexter): Sewerage systems; state adoption of federal criteria.** Directs the State Water Control Board (the Board) not to adopt certain U.S. Environmental Protection Agency (EPA) freshwater ammonia water quality criteria (the Criteria) unless the Board includes in such adoption a phased implementation program consistent with the federal Clean Water Act with certain funding and timing considerations. The bill also directs the Department of Environmental Quality to (i) identify any other states that have adopted the Criteria as of July 1, 2018; (ii) identify those procedures for the implementation of the Criteria that will minimize the impact of such implementation on Virginia sewerage systems while complying with the Clean Water Act; and (iii) report its findings to the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources, the House Committee on Agriculture, Chesapeake and Natural Resources, the Senate Finance Committee, and the House Appropriations Committee by November 1, 2018. The bill provides that the inclusion of the implementation program in the Board's current regulatory action shall not require reproposal of the current action. This bill is identical to SB 344.

**HB 1608 (Poindexter): Virginia Water Quality Improvement Fund; publicly owned treatment works, nutrient reduction.** Authorizes the Director of the Department of Environmental Quality (the Department) to issue grants from the Virginia Water Quality Improvement Fund for water quality improvements, including cost effective technologies to reduce loads of total phosphorus, total nitrogen, or nitrogen-containing ammonia, in order to meet certain requirements of ammonia-related regulations that are more stringent than those adopted by the State Water Control Board (the Board). The bill also requires the Department to prepare a preliminary estimate of the amount and timing of Water Quality Improvement Grants required to fund projects to reduce loads of nitrogen-containing ammonia at certain levels based on an estimate of the anticipated range of costs for all publicly owned treatment works if the Board were to adopt the 2013 Aquatic Life Ambient Water Quality Criteria for Ammonia published by the U.S. Environmental Protection Agency. This bill is identical to SB 340.



**SB 72 (Cosgrove, Jr.): Electric distribution lines; minimum height upon or over agricultural land.** Requires that electric distribution lines installed on or after July 1, 2018, upon or over agricultural land shall be placed at a height that is not less than the minimum height requirement that applies to the placement of such lines above road crossings.

**SB 211 (Stuart): Comprehensive plans; groundwater and surface water.** Authorizes a locality to show in the locality's comprehensive plan the locality's long-range recommendations for groundwater and surface water availability, quality, and sustainability. The bill requires the local planning commission to survey and study groundwater and surface water availability, quality, and sustainability in the preparation of a comprehensive plan.

**SB 218 (Lewis, Jr.): Recycling; clarifies definitions of beneficial use and recycling center, etc.** Defines "beneficial use," "beneficiation facility," and "recycling center" and provides that a beneficiation facility or recycling center shall be considered a manufacturer for the purpose of any state or local economic development incentive grant. The bill directs the Department of Environmental Quality (the Department) to encourage and support beneficial use; current law requires the Department to encourage and support litter control and recycling. The bill also directs the Department to provide to the General Assembly by November 1, 2019, an evaluation of Virginia's solid waste recycling rates and a set of recommendations for improving the reliability of the supply of recycled materials during the next 10 years in order to provide for beneficial use.

**SB 340 (Peake): Virginia Water Quality Improvement Fund; publicly owned treatment works, nutrient reduction.** Authorizes the Director of the Department of Environmental Quality (the Department) to issue grants from the Virginia Water Quality Improvement Fund for water quality improvements, including cost effective technologies to reduce loads of total phosphorus, total nitrogen, or nitrogen-containing ammonia, in order to meet certain requirements of ammonia-related regulations that are more stringent than those adopted by the State Water Control Board (the Board). The bill also requires the Department to prepare a preliminary estimate of the amount and timing of Water Quality Improvement Grants required to fund projects to reduce loads of nitrogen-containing ammonia at certain levels based on an estimate of the anticipated range of costs for all publicly owned treatment works if the Board were to adopt the 2013 Aquatic Life Ambient Water Quality Criteria for Ammonia published by the U.S. Environmental Protection Agency. This bill is identical to HB 1608.

**SB 344 (Peake): Sewerage systems; state adoption of federal criteria.** Directs the State Water Control Board (the Board) not to adopt certain U.S. Environmental Protection Agency (EPA) freshwater ammonia water quality criteria (the Criteria) unless the Board includes in such adoption a phased implementation program consistent with the federal Clean Water Act with certain funding and timing considerations. The bill also directs the Department of Environmental Quality to (i) identify any other states that have adopted the Criteria as of July 1, 2018; (ii) identify those procedures for the implementation of the Criteria that will minimize the impact of such implementation on Virginia sewerage systems while complying with the Clean Water Act; and (iii) report its findings to the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources, the House Committee on Agriculture, Chesapeake and Natural Resources, the Senate Finance Committee, and the House Appropriations Committee by November 1, 2018. The bill provides that the inclusion of the implementation program in the Board's current regulatory action shall not require repromulgation of the current action. This bill is identical to HB 1475.

**SB 429 Solar facilities; local regulation.** Provides that a property owner may install a solar facility on the roof of a dwelling or other building to serve the electricity or thermal needs of that dwelling or building, provided that such installation is in compliance with any height and setback requirements in the zoning district where such property is located as well as any provisions pertaining to any local historic or architectural preservation district. Unless a local ordinance provides otherwise, a ground-mounted solar energy generation facility shall also be permitted, provided that such installation is in compliance with any height and setback requirements in the zoning district where such property is located as well as any provision pertaining to any local historic district. Any other proposed solar facility, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to any applicable zoning regulations of the locality. The bill requires that any ground-mounted solar energy generation facility existing as of January 1, 2018, be deemed a legal nonconforming use, with certain exceptions. The bill has a delayed effective date of January 1, 2019, with respect to ground-mounted solar energy generation facilities. This bill is identical to HB 508.

**SB 576 (Hanger, Jr.): Stream restoration; standards and specifications.** Allows a person engaging in more than one jurisdiction in the creation and operation of a stream restoration project for purposes of reducing nutrients or

sediment entering state waters the same opportunity to submit standards and specifications for Department of Environmental Quality approval that describe how land-disturbing activities shall be conducted as an alternative to submitting soil erosion control and stormwater management plans as allowed in current law to a person engaging in more than one jurisdiction in the creation and operation of a wetland mitigation or stream restoration bank pursuant to a mitigation banking instrument signed by the Department, the Marine Resources Commission, or the U.S. Army Corps of Engineers. The bill also authorizes such person to file general erosion and sediment control standards and specifications for review and approval consistent with guidelines established by the State Water Control Board.

**SB 585 (DeSteph, Jr.): Chesapeake Bay Restoration Fund; created, Advisory Committee.** Clarifies the purposes for which grants from the Chesapeake Bay Restoration Fund (the Fund) are to be used and clarifies that guidelines for the use of such grants shall be developed by the Chesapeake Bay Restoration Fund Advisory Committee (the Committee) in accordance with such purposes. The bill shifts the date by which the Committee is required to present a plan for expenditure of any amounts in the Fund. The bill contains technical amendments.

**SB 688 (Ruff, Jr.) Va. Public Procurement Act; cooperative procurement, stream restoration & stormwater management.** Excludes the purchase of (i) stream restoration and (ii) stormwater management practices, and all associated and necessary construction and maintenance, from the prohibition on using cooperative procurement to purchase construction. This bill is identical to HB 574.

**SB 698 (Deeds): Erosion and sediment control; inspections of natural gas pipelines, stop work instructions.** Authorizes the Department of Environmental Quality (the Department) to conduct inspections of the land-disturbing activities of interstate and intrastate natural gas pipeline companies that have approved annual standards and specifications as such land-disturbing activities relate to construction of any natural gas transmission pipeline greater than 36 inches inside diameter to determine (i) compliance with such annual standards and specifications, (ii) compliance with any site-specific plans, and (iii) if there have been or are likely to be adverse impacts to water quality as a result of such land-disturbing activities. The bill authorizes the Department to issue a stop work instruction on the relevant part of the site when the Department determines that there has been a substantial adverse impact to water quality or that a substantial and imminent adverse impact to water quality is likely to occur as a result of such land-disturbing activities. The bill requires that upon written documentation of completion by the company and approval by the Department in writing of the corrective measures specified in the stop work instruction, the instruction shall be immediately lifted. Such stop work instruction may be appealed to the circuit court of the jurisdiction where the violation was alleged to have occurred or other appropriate court.

**SB 699 (Deeds): Stormwater management; inspections of natural gas pipelines, stop work instructions.** Authorizes the Department of Environmental Quality (the Department) to conduct inspections of the land-disturbing activities of interstate and intrastate natural gas pipeline companies that have approved annual standards and specifications as such land-disturbing activities relate to construction of any natural gas transmission pipeline greater than 36 inches inside diameter to determine (i) compliance with such annual standards and specifications, (ii) compliance with any site-specific plans, and (iii) if there have been or are likely to be adverse impacts to water quality as a result of such land-disturbing activities. The bill authorizes the Department to issue a stop work instruction on the relevant part of the site when the Department determines that there has been a substantial adverse impact to water quality or that a substantial and imminent adverse impact to water quality is likely to occur as a result of such land-disturbing activities. The bill requires that upon written documentation of completion by the company and approval by the Department in writing of the corrective measures specified in the stop work instruction, the instruction shall be immediately lifted. Such stop work instruction may be appealed to the circuit court of the jurisdiction where the violation was alleged to have occurred or other appropriate court.

**SB 741 (Ruff, Jr.): Stormwater management; termination of general permit, notice.** Requires a Virginia Stormwater Management Program Authority (VSMP authority) to recommend that the Department of Environmental Quality terminate coverage under a General Permit for Discharges of Stormwater from Construction Activities within 60 days of receiving a complete notice of termination from the operator of the construction activity. The bill (i) provides that such permit coverage shall be deemed terminated 90 days after the receipt by the VSMP authority of a complete notice of termination and (ii) requires any VSMP authority receiving incomplete notice to inform the operator within a reasonable time and provide a detailed list of the missing elements.

**SB 780 (Chafin): Hydroelectric plant; revenue sharing agreement among certain localities.** Requires the Counties of Buchanan, Dickenson, Lee, Russell, Scott, Tazewell, and Wise and the City of Norton to enter into a perpetual revenue sharing agreement regarding a certain electric storage or generation facility to be located in one of these localities. The measure establishes the percentage of the revenue to be allocated to each locality and provides that the host locality shall receive an additional share of six percent of the revenue. Any direct costs of infrastructure improvements incurred by the host locality for purposes of the facility will be allocated among the localities in the same proportion as the revenues from the facility. This bill is identical to HB 1555.

**SB 966 (Wagner): Electric utility regulation; grid modernization, energy efficiency.** Provides that, in lieu of the biennial review proceedings previously required, Dominion Energy Virginia (DEV) and Appalachian Power (APCo) will be subject to triennial reviews of their rates, terms, and conditions for generation, distribution, and transmission services.

## **FREEDOM OF INFORMATION ACT**

**HB 228 (Cole): Virginia Public Records Act; records retained in electronic medium.** Provides that notwithstanding any provision of law requiring a public record to be retained in a tangible medium, an agency may retain any public record in an electronic medium, provided that the record remains accessible for the duration of its retention schedule and meets all other requirements of the Virginia Public Records Act (§ 42.1-76 et seq.). The bill provides that this provision shall not be deemed to affect any law governing the retention of exhibits received into evidence in a criminal case in any court.

**HB 683 (Pogge): Uniform Statewide Building Code; security of certain records.** Clarifies that while information contained in engineering and construction drawings and plans for any single-family residential dwelling submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) shall not be subject to disclosure to the public under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), such information shall not be deemed confidential. This bill is identical to SB 921.

**HB 727 (Delaney): Virginia Freedom of Information Act; exclusion of records relating to public safety.** Clarifies the exclusion from mandatory disclosure under the Virginia Freedom of Information Act (FOIA) of information that would disclose the security aspects of a system safety program plan adopted pursuant to Federal Transit Administration regulations governing the Commonwealth's designated Rail Fixed Guideway Systems Safety Oversight agency. Current law excludes information that would disclose the security aspects of such system safety program plan by providing a specific citation to the Code of Federal Regulations.

**HB 905 (Robinson): Virginia Public Procurement Act; designation of trade secrets and proprietary information.** Provides that a bidder, offeror, or contractor shall not improperly designate as trade secrets or proprietary information (i) an entire bid, proposal, or prequalification application; (ii) any portion of a bid, proposal, or prequalification application that does not contain trade secrets or proprietary information; or (iii) line item prices or total bid, proposal, or prequalification application prices. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

**HB 906 (Robinson): Virginia Freedom of Information Act; clarifies definition of electronic communication.** Clarifies the definition of electronic communication in the Virginia Freedom of Information Act by amending it to mean the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information. This bill is a recommendation of the Freedom of Information Advisory Council.

**HB 907 (Robinson): Virginia Freedom of Information Act; meetings held by electronic communication means.** Consolidates existing provisions concerning public meetings conducted by electronic communication means. The bill contains technical amendments. This bill is a recommendation of the Freedom of Information Advisory Council.

**HB 908 (Robinson): Virginia Freedom of Information Act; meetings held by electronic communication means.** Removes the Freedom of Information Act requirement that the remote locations from which members of a public body participate in meetings through electronic communication means be open to the public. Instead, members of the public

must be provided an electronic communication means substantially equivalent to that provided to members of the public body through which the public may witness the meeting. The bill provides that public access to remote locations from which members of the public body participate through electronic communication means shall be encouraged but not required; however, if three or more members are gathered at the same remote location, such remote location must be open to the public. The bill also amends the annual reporting requirements for public bodies that meet by electronic communication means. This bill is a recommendation of the Freedom of Information Advisory Council.

**HB 909 (Robinson): Virginia Freedom of Information Act; disclosure of law-enforcement and criminal records.**

Clarifies that the discretionary exemptions contained in the Freedom of Information Act pertaining to law-enforcement and criminal records may be used by any public body. Current law only permits such exemptions to be used by public bodies engaged in criminal law-enforcement activities. The bill also restricts the application of the discretionary exemption for those portions of noncriminal incident or other noncriminal investigative reports or materials that contain identifying information of a personal, medical, or financial nature, the release of which would jeopardize the safety or privacy of any person, to only those portions of noncriminal incident or other noncriminal investigative reports or materials that are in the possession of public bodies (i) engaged in emergency medical services, (ii) engaged in fire protection services, (iii) engaged in criminal law-enforcement activities, or (iv) engaged in processing calls for service or other communications to an emergency 911 system or any other equivalent reporting system. This bill is a recommendation of the Freedom of Information Advisory Council.

**HB 1426 (Bulova): Va. FOIA; excludes certain information held by board of visitors of The College of William & Mary.**

Excludes from the mandatory disclosure provisions of the Virginia Freedom of Information Act certain information held by the board of visitors of The College of William and Mary in Virginia (the board) relating to the acquisition, holding, or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, if disclosure of such information would reveal confidential analyses prepared for the board and have an adverse effect on the value of the investment to be acquired, held, or disposed of by the board. This bill is identical to SB 858.

**SB 858 (Mason): Va. FOIA; excludes certain information held by board of visitors of The College of William & Mary.**

Excludes from the mandatory disclosure provisions of the Virginia Freedom of Information Act certain information held by the board of visitors of The College of William and Mary in Virginia (the board) relating to the acquisition, holding, or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, if disclosure of such information would reveal confidential analyses prepared for the board and have an adverse effect on the value of the investment to be acquired, held, or disposed of by the board. This bill is identical to HB 1426.

**SB 921 (Ebbin): Uniform Statewide Building Code; security of certain records.** Clarifies that while information contained in engineering and construction drawings and plans for any single-family residential dwelling submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) shall not be subject to disclosure to the public under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), such information shall not be deemed confidential. This bill is identical to HB 683.

## **TAXATION**

**HB 154 (Ware): Commonwealth's tax system; conformity with federal law, emergency.** Advances conformity of the Commonwealth's tax code with the federal tax code to February 9, 2018. The bill conforms only to certain provisions of Public Law 115-97, known as the "Tax Cuts and Jobs Act," that affect taxable years prior to 2018. The bill conforms to provisions creating an incentive for taxpayers to make contributions to hurricane relief efforts and certain other provisions. The bill also conforms to provisions of Public Law 115-123, known as the "Bipartisan Budget Act of 2018," that affect taxable year 2017. The bill contains an emergency clause and is identical to SB 230.

**HB 190 (Hope): Real property tax; boards of equalization.** Provides that applications for relief from real property assessments sent electronically to boards of equalization are deemed received on the date applicants send the applications.

**HB 340 (LaRock): Loudoun County; agreements for treasurer to collect and enforce real & personal property taxes.** Authorizes the Loudoun County Board of Supervisors to allow the county treasurer to enter into agreements

with towns located partially or wholly within Loudoun County for the collection and enforcement of real or personal property taxes by the county treasurer. This bill is identical to SB 92.

**HB 365 (Rush): Income tax, state and corporate; subtraction for Virginia real estate investment trust income.** Establishes an individual and corporate income tax subtraction for income attributable to an investment in a Virginia real estate investment trust, defined in the bill as an investment fund that is certified by the Department of Taxation as investing at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in localities that are either distressed or double distressed. The bill defines a distressed locality as one where the unemployment rate is greater than the statewide average or the poverty rate exceeds the statewide average. The bill defines a double distressed locality as one that satisfies both of the preceding criteria. An income tax subtraction would be available only for an investment made on or after January 1, 2019, but before December 31, 2024.

**HB 373 (Davis): Multistate Tax Commission; the Commonwealth to become associate member.** Requires the Tax Commissioner to take such steps as are necessary for Virginia to become an associate member of the Multistate Tax Commission and to participate in Multistate Tax Commission discussions and meetings concerning model tax legislation and uniform tax policies. The Commission was formed in 1967 and charged under the Multistate Tax Compact with, among other things, facilitating the proper determination of state and local tax liability of multistate taxpayers, promoting uniformity or compatibility in significant components of tax systems, facilitating taxpayer convenience and compliance in the filing of tax returns, and avoiding duplicative taxation.

**HB 590 (Carr): Real property tax; determining fair market value of real property owned by a community land trust.** Requires the assessor, in determining the fair market value of structural improvements conveyed by a community land trust, subject to a ground lease having a term of at least 90 years, while retaining a preemptive option to purchase such structural improvements at a price determined by a formula that is designed to ensure that the improvements remain affordable to low-income and moderate-income families in perpetuity, to consider (i) certain restrictions on the price at which the improvements may be sold and (ii) the amount of loans of the owner of the improvements as evidenced by a deed of trust or leasehold deed of trust on the improvements or underlying real property owned by the community land trust and that earns no interest and requires no repayment prior to satisfaction of any interest-earning promissory note or a subsequent transfer of the property, whichever comes first.

**HB 591 (Carr): Land bank entities; real property tax exemption for certain leasehold interests.** Exempts from real property taxation leasehold interests in property acquired or used by a land bank entity.

**HB 592 (Carr): Land bank entities; acquisition of property.** Makes a technical change by correcting from an authority to a land bank entity the entity to which a locality may grant or convey real property.

**HB 828 (Bagby): Personal property tax; computer equipment and peripherals used in data centers.** Creates a separate classification of tangible personal property, for valuation purposes, for computer equipment and peripherals used in a data center. The classification specifies that the computer equipment and peripherals shall be valued by means of a percentage or percentages of original cost or by any other method that reasonably may be expected to determine fair market value. This bill is identical to SB 268.

**HB 871 (Orrock, Sr.): Real property tax; land use valuation.** Provides that (i) land devoted to agricultural use includes land devoted to the sale of products made from plants and animals located on the property, (ii) land devoted to horticultural use includes land devoted to plants and the sale of products made from horticultural items, (iii) the agreement pursuant to soil and water conservation programs that qualifies land as devoted to agricultural or horticultural uses may be made with the Commonwealth, (iv) land designated for use value assessment shall not lose such designation solely because of its location in a newly created zoning district that was not requested by the property owner, and (v) if the state uniform standards for eligibility for real estate devoted to agricultural use or horticultural use require a minimum length of time of a specified use, then the use of other similar property by a lessee of the owner shall be included in calculating such time, and the Commissioner of Agriculture and Consumer Services shall include in the uniform standards a shorter length of time for real estate with no prior qualifying use, provided that the owner submits a written document of the owner's intent regarding use of the real estate containing elements set out in the uniform standards.

**HB 894 (Webert): Real property tax; exemption for single member limited liability company.** Specifies that a single member limited liability company whose sole member is a nonprofit organization is eligible to be considered for a property exemption by a locality the same as other nonprofit organizations.

**HB 1022 (Adams): Personal property tax; definition of agricultural products.** Defines "agricultural products," for the purposes of the classification of tangible personal property for taxation, as any livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silvicultural, or other farm crops. This bill is identical to SB 314.

**HB 1460 (Fariss): Land preservation tax credits; transfer to a designated beneficiary.** Provides that a person who has unused land preservation tax credits may provide that such credits be transferred to a designated beneficiary upon his death, so long as such person with unused credits is the person who originally earned them. The bill provides that if a person dies without a will, his unused credit shall be transferred according to the rules of intestacy. The bill provides that such transfers are not subject to any fees and retain the same carryover period as if held by their original owner. Under current law, a person who has unused land preservation tax credits may transfer them while he is alive. Generally, such transfers are subject to a two percent transfer fee.

**HB 1495 (Orrock, Sr.): Real property tax; increases term of boards of equalization.** Provides that if a taxpayer applies to the commissioner of the revenue or other official performing the duties imposed on commissioners of the revenue for relief from a real property tax assessment prior to the expiration of the board of equalization's term, and the term of the board of equalization expires prior to a final determination on such application for relief, and the taxpayer advises the circuit court that he wishes to appeal the determination to the board of equalization, then the circuit court may reappoint the board of equalization to hear and act on such appeal.

**SB 108 (Lucas): Orders of publication to enforce tax lien; limited-value property.** Provides that an order of publication for the enforcement of a lien for taxes owed on real property that has a value of \$50,000 or less need be published only once. Under current law, such order is required to be published at least once a week for two successive weeks.

**SB 228 (Howell): Real estate taxes; clarifies when amount of taxes deferred pursuant to a local ordinance become due.** Clarifies when the amount of real estate taxes deferred pursuant to a local ordinance become due.

**SB 230 (Hanger, Jr.) Commonwealth's tax system; conformity with federal law, emergency.** Advances conformity of the Commonwealth's tax code with the federal tax code to February 9, 2018. The bill conforms only to certain provisions of Public Law 115-97, known as the "Tax Cuts and Jobs Act," that affect taxable years prior to 2018. The bill conforms to provisions creating an incentive for taxpayers to make contributions to hurricane relief efforts and certain other provisions. The bill also conforms to provisions of Public Law 115-123, known as the "Bipartisan Budget Act of 2018," that affect taxable year 2017. The bill contains an emergency clause and is identical to HB 154.

**SB 268 (Dunnivant): Personal property tax; computer equipment and peripherals used in data centers.** Creates a separate classification of tangible personal property, for valuation purposes, for computer equipment and peripherals used in a data center. The classification specifies that the computer equipment and peripherals shall be valued by means of a percentage or percentages of original cost or by any other method that reasonably may be expected to determine fair market value. This bill is identical to HB 828.

**SB 332 (Peake): Retail Sales and Use Tax; agricultural exemptions.** Amends the existing exemption from sales tax for agricultural produce and eggs sold at a farmers market or roadside stand. Currently, the exemption applies only if the individual selling the produce or eggs has an annual income from such sales of no more than \$1,000. The bill raises this annual income cap to \$2,500.

**SB 430 (Wexton): Real property tax; disabled veterans.** Removes an extraneous reference to deferral in a provision relating to real property tax exemption.

**SB 818 (Hanger, Jr.): Transient occupancy tax; adds Rockingham County to list of counties that may impose.** Adds Rockingham County to the list of counties that may impose a transient occupancy tax at a rate not to exceed 5%.

The revenue attributable to a rate in excess of 2% shall be used solely for tourism and travel purposes. Under current law, all counties may impose a transient occupancy tax at a rate not to exceed 2%.

**SJ 75 (Norment, Jr.): Ethic laws; joint subcommittee to study.** Establishes a two-year joint subcommittee consisting of six legislative members (four delegates and two senators) and two nonlegislative citizen members to study the current ethics laws in the Commonwealth. In conducting its study, the joint subcommittee shall study the disclosure requirements of the members of the General Assembly and lobbyists and identify those portions of the ethics laws that should be repealed, substantially amended, rewritten for clarity, or retained in their present form. In its review, the joint subcommittee shall examine the effectiveness and efficiency of the ethics laws in promoting public trust and confidence in the service of public officials.