AGENDA

I. Oral Report from the Legislative Director on the General Assembly Session

II. Consent Calendar - Legislative Bills Proposed Position (numbered 1-27)
   a. Proposed Bills in Support of City Legislative Package (1-6)
   b. Proposed Bills Recommended for City Council to Support (7-16)
   c. Proposed Bills Recommended for City Council to Oppose (17-19)
   d. Proposed Bills to Continue to Watch (20-25)

III. Discussion of Proposed Legislation of Interest (numbered 26-27)

IV. Notable Updates on Bill in Which the City Has Taken a Position

V. Other Business
Legislative Subcommittee Meeting

Friday, January 25, 2019
Council Work Room
5:30 PM
CONSENT CALENDAR

Bills Related to the City Package Recommended to Support

1. **VA - HB1823** Virginia Fair Housing Law; unlawful discriminatory housing practices.
   - **Primary Sponsor:** Delegate Kelly K. Convirs-Fowler
   - **Cosponsors:** Delegate Alfonso H. Lopez, Delegate Richard C. “Rip” Sullivan, Jr.
   - **Summary:** Virginia Fair Housing Law; unlawful discriminatory housing practices; sexual orientation and gender identity. Adds discrimination on the basis of an individual's sexual orientation or gender identity as an unlawful housing practice. The bill defines "sexual orientation" and "gender identity."
   - **Last Action:** Referred to Committee on Rules (January 1, 2019)

2. **VA - SJ283** Constitutional amendment; qualification of voters, restoration of civil rights.
   - **Primary Sponsor:** Senator Emmett W. Hanger, Jr.
   - **Summary:** Constitutional amendment (first resolution); qualification of voters; restoration of civil rights. Authorizes the General Assembly to provide by general law for the restoration of civil rights for any person who has been convicted of a felony not designated by the General Assembly as a barrier crime for the purpose of rights restoration and who has completed service of his sentence and paid in full any restitution, fines, costs, and fees assessed against him as a result of his conviction. The proposed amendment retains the authority of the Governor to restore the civil rights of persons convicted of felonies.
   - **Last Action:** Reading waived (40-Y 0-N) (January 24, 2019)

3. **VA - SB1087** Election districts; requirements for precincts, remedying split precincts.
   - **Primary Sponsor:** Senator Mark D. Obenshain
   - **Cosponsors:** Senator Adam P. Ebbin, Senator George L. Barker, Senator Mark J. Peake
   - **Summary:** Election districts; requirements for precincts; remedying split precincts. Requires counties, cities, and towns to adjust local election district lines to coincide with congressional or state legislative district lines established by the General Assembly. Precincts are required to be wholly contained within a single congressional district, Senate district, House of Delegates district, or local election district, and local governing bodies are directed to establish precinct boundaries immediately after the completion of the General Assembly’s decennial redistricting so that each precinct is so wholly contained. The bill provides that if a locality is unable to comply with this requirement it shall apply to the State Board of Elections for a waiver to administer a split precinct and the State Board may grant that waiver or direct the locality to create a precinct with fewer than the required number of registered voters, as it deems appropriate.
   - **Last Action:** Referred to Committee on Privileges and Elections (January 24, 2019)

4. **VA - SB1109** Virginia Fair Housing Law; unlawful discriminatory housing practices, etc.
Primary Sponsor: **Senator Jennifer L. McClellan**
Cosponsors: **Senator Adam P. Ebbin, Delegate Betsy B. Carr, Senator Jennifer B. Boysko, Senator T. Montgomery "Monty" Mason**

**Summary:** Virginia Fair Housing Law; unlawful discriminatory housing practices; sexual orientation and gender identity. Adds discrimination on the basis of an individual's sexual orientation or gender identity as an unlawful housing practice. The bill defines sexual orientation and gender identity.

**Last Action:** Referred to Committee on Rules (January 22, 2019)

5. **VA - SB1199** Public employment; inquiries by state agencies and localities regarding criminal convictions, etc.
Primary Sponsor: **Senator Rosalyn R. Dance**
Cosponsor: **Senator Jennifer L. McClellan**

**Summary:** Public employment; inquiries by state agencies and localities regarding criminal convictions, charges, and arrests. Prohibits state agencies from including on any employment application a question inquiring whether the applicant has ever been arrested or charged with any crime. The bill prohibits state agencies from asking an applicant if he has ever been convicted of any crime unless the inquiry takes place after the applicant has received a conditional offer of employment, which offer may be withdrawn if the applicant has a conviction record that directly relates to the duties and responsibilities of the position. The prohibition does not apply to applications for employment with law-enforcement agencies, certain positions designated as sensitive, or in instances where a state agency is expressly permitted to inquire into an individual's criminal history for employment purposes pursuant to any provision of federal or state law. The bill also authorizes localities to adopt ordinances prohibiting such inquiries, with similar limitations.

**Last Action:** Referred to Committee on General Laws (January 22, 2019)

6. **VA - SB1232** Virginia Fair Housing Law; unlawful discriminatory housing practices.
Primary Sponsor: **Senator Adam P. Ebbin**
Cosponsors: **Senator Lynwood W. Lewis, Jr., Senator Jennifer B. Boysko, Senator T. Montgomery "Monty" Mason**

**Summary:** Virginia Fair Housing Law; unlawful discriminatory housing practices; sexual orientation and gender identity. Adds discrimination on the basis of an individual's sexual orientation or gender identity as an unlawful housing practice. The bill defines "sexual orientation" and "gender identity."

**Last Action:** Incorporated by General Laws and Technology (SB1109-McClellan) (13-Y 0-N) (January 14, 2019)
Other Bills of Interest Recommended to Support

7. **VA - HB1776** Tannerite; prohibition or regulation by localities.
   Primary Sponsor: Delegate Mark L. Cole
   Summary: Prohibition or regulation of tannerite. Provides that any locality may by ordinance prohibit or regulate the use of tannerite or a similar two-component explosive in or near residential areas. Any penalty for an offense pursuant to such an ordinance shall not exceed a Class 3 misdemeanor. Last Action: Assigned CC & T sub: Subcommittee #1 (January 14, 2019)

8. **VA - HB1913** Subdivision ordinance; sidewalks.
   Primary Sponsor: Delegate David L. Bulova
   Summary: Subdivision ordinance; sidewalks. Allows any locality to include provisions in its subdivision ordinance requiring that where a lot being subdivided or developed fronts on an existing street and the provision of a sidewalk is in accordance with the locality's adopted comprehensive plan, the locality may require the dedication of land for, and construction of, a sidewalk on the property being subdivided or developed.
   Last Action: Assigned CC & T sub: Subcommittee #2 (January 14, 2019)

9. **VA - HB1916** Employees; break time and location to express breast milk.
   Primary Sponsor: Delegate David E. Yancey
   Summary: Employment; break to express breast milk. Requires employers, including the Commonwealth and its political subdivisions, to provide reasonable unpaid break time each day to an employee who needs to express breast milk for the employee's nursing child for one year after the child's birth. An employer is also required to make reasonable efforts to provide a room or other location in close proximity to the work area, other than a toilet stall, where such an employee can express breast milk in privacy. An employer shall not be held to have violated these requirements if it has made reasonable efforts to comply with them. The measure applies to employees who are exempt under 7 of the federal Fair Labor Standards Act (FLSA). The FLSA requires employers to provide such benefits for nonexempt employees.
   Last Action: Assigned C & L sub: Subcommittee #1 (January 10, 2019)

10. **VA - HB2587** Confidentiality of tax information; local tax officers sharing information w/ local officers.
    Primary Sponsor: Delegate Danica A. Roem
    Summary: Confidentiality of tax information; local tax officers sharing information with local administrative officers. Authorizes a locality's commissioner of the revenue, treasurer, director of finance, or other similar local official who collects or administers taxes to share confidential tax information with such locality's financial officer and chief administrative officer, provided that such officer enters into a written nondisclosure agreement. Under current law, such
CONSENT CALENDAR

information is prohibited from being shared between such officials unless some other exemption applies.
Last Action: Subcommittee recommends striking from docket (8-Y 0-N) (January 23, 2019)

11. **VA - SB1018** Voters; review of assignments in districts throughout the Commonwealth.
   Primary Sponsor: Senator Amanda F. Chase
   Cosponsor: Delegate Kaye Kory
   Summary: Review of voter assignments in districts throughout the Commonwealth. Directs each county, city, and town to review the assignment of voters within its jurisdiction to ensure that voters are assigned to the correct districts. The electoral board and general registrar of each county, city, or town shall conduct this review by comparing the information in the voter registration system with the boundaries of the districts and precincts set out in a Geographic Information System (GIS) map of the locality and shall make corrections to incorrect assignments as necessary, assisted by the State Board of Elections upon request. The bill requires this review to be completed not later than the 2019 November general election. After the conclusion of its review and after making any necessary corrections, each locality is required to submit to the State Board a report of the results of its review and any corrections to voter assignments that were made. The bill requires the State Board of Elections to report the statewide results to the General Assembly on or before the first day of the 2020 Session.
   Last Action: Constitutional reading dispensed (40-Y 0-N) (January 24, 2019)

12. **VA - SB1058** Companion animals; care, local ordinances.
   Primary Sponsor: Senator Barbara A. Favola (D)
   Cosponsor: Delegate Kaye Kory
   Summary: Companion animals; care; local ordinances. Authorizes any locality to adopt an ordinance that parallels and makes more stringent the state law regarding the care of companion animals.
   Last Action: Referred to Committee on Agriculture, Conservation and Natural Resources (December 6, 2018)

13. **VA - SB1248** Stormwater Management Fund, local; locality by ordinance authorized to create.
   Primary Sponsor: Senator Bryce E. Reeves
   Summary: Local Stormwater Management Fund. Authorizes a locality by ordinance to create a local Stormwater Management Fund consisting of appropriated local moneys for the purpose of granting funds to an owner of private property or a common interest community for stormwater management and erosion prevention.
   Last Action: Referred to Committee on Counties, Cities and Towns (January 24, 2019)
14. **VA - SB1340** Land preservation tax credits; threshold for conservation value review by DCR, lowers the threshold.
   Primary Sponsor: **Senator Richard H. Stuart**
   Cosponsor: **Senator Emmett W. Hanger, Jr.**
   Summary: Land preservation tax credits; threshold for conservation value review by Department of Conservation and Recreation. Lowers the threshold from $1 million to $500,000 for (i) conservation value review of land preservation tax credit applications by the Department of Conservation and Recreation and (ii) requiring a copy of the tax credit application to be filed with the Department of Conservation and Recreation.
   Last Action: Read second time and engrossed (January 24, 2019)

15. **VA - SB1468** Northern Virginia Transportation Authority; analysis of projects.
    Primary Sponsor: **Senator Richard H. Black**
    Cosponsor: **Delegate Dave A. LaRock**
    Summary: Northern Virginia Transportation Authority; analysis of projects. Shifts responsibility from the Department of Transportation to the Northern Virginia Transportation Authority for the evaluation and rating of significant transportation projects in and near Planning District 8. The bill also adds administrative and operating expenses to those expenses that can be paid by the Northern Virginia Transportation Authority Fund. Current law provides that administrative expenses be allocated to the component counties and cities of the Authority.
    Last Action: Referred to Committee on Transportation (January 24, 2019)

16. **VA - SB1663** Subdivision ordinance; sidewalks.
    Primary Sponsor: **Senator George L. Barker**
    Summary: Subdivision ordinance; sidewalks. Allows any locality to include provisions in its subdivision ordinance requiring that where a lot being subdivided or developed fronts on an existing street and the provision of a sidewalk is in accordance with the locality's adopted comprehensive plan, the locality may require the dedication of land for, and construction of, a sidewalk on the property being subdivided or developed.
    Last Action: Referred to Committee on Local Government (January 10, 2019)
Other Bills of Interest Recommended to Oppose

17. **VA - HB2263** Firefighters and Emergency Medical Technicians Procedural Guarantee Act; breach of procedures.
   Primary Sponsor: Delegate Paul E. Krizek
   Last Action: Subcommittee recommends reporting with substitute (6-Y 0-N) (January 23, 2019)

18. **VA - HB2403** Wetlands; impact, permit requirements for compensation.
   Primary Sponsor: Delegate M. Keith Hodges
   Summary: Impacts to wetlands; permit requirements for compensation. Requires the State Water Control Board to evaluate Virginia Water Protection Permits mitigation options for impacts to wetlands on a case-by-case basis with consideration for which option is most practicable and ecologically and environmentally preferable, including, in terms of replacement of acreage and functions, the greatest likelihood of success and reduction of temporal loss of acreage and function. Preference shall be given first to mitigation bank credits, then to permittee-responsible mitigation under a watershed approach conducted before or concurrently with project impacts, over in-lieu fee program credits that have not met success criteria.
   Last Action: Assigned ACNR sub: Subcommittee #3 (January 16, 2019)

19. **VA - HB2506** Chesapeake Bay Preservation Areas; filling low-lying areas.
   Primary Sponsor: Delegate M. Keith Hodges
   Summary: Chesapeake Bay Preservation Areas; filling low-lying areas. Directs the State Water Control Board to adopt regulations allowing the owner of residential property in a Chesapeake Bay Preservation Area to deposit appropriate fill material in certain low-lying areas within 50 landward feet of a resource protection area (RPA) located on the property. The bill establishes certain provisions that the regulations shall contain and provides that no filling that is carried out in compliance with such regulations shall (i) be considered a land-disturbing activity for purposes of stormwater management and erosion and sediment control, (ii) require a Virginia Water Protection Permit, or (iii) require a permit from the Virginia Marine Resources Commission. The bill also authorizes certain localities to adopt ordinances establishing a local permit process for projects that disturb less than one acre, and it requires projects that disturb
one acre or more of land to follow general permit requirements established in statute.

Last Action: Assigned ACNR sub: Subcommittee #3 (January 16, 2019)
CONSENT CALENDAR

Legislative Subcommittee Meeting Friday, January 25, 2019

Other bills of interest to Continue to Watch

20. **VA - HB1738** School buildings; plans to be reviewed by a professional trained & experienced in crime prevention.
   
   Primary Sponsor: Delegate Nick Rush
   
   
   Summary: School buildings; plans to be reviewed by a professional trained and experienced in crime prevention through environmental design. Requires the licensed architect or professional engineer who provides the required statement to accompany the school superintendent's approval on all plans and specifications for new or remodeled public school building construction to be trained and experienced in crime prevention through environmental design.
   
   Last Action: Referred to Committee on Education and Health (January 23, 2019)

21. **VA - HB1851** Virginia income tax; advances conformity of the Commonwealth's tax code with the federal tax code.
   
   Primary Sponsor: Delegate Christopher K. Peace
   
   Summary: Virginia income tax; emergency. Advances conformity of the Commonwealth's tax code with the federal tax code to December 31, 2018, starting with taxable year 2018. The bill increases, starting with taxable year 2019, the amount of the standard deduction (i) from $3,000 to $6,000 for an individual or for married persons filing separately and (ii) from $6,000 to $12,000 for married persons filing jointly. Starting in 2020, the bill adjusts Virginia's standard deduction by the percentage increase in the Chained Consumer Price Index for All Urban Consumers (C-CPI-U) for the previous taxable year. In taxable year 2026, the standard deduction would return to $3,000 for an individual or a married person filing jointly and $6,000 for married persons filing jointly, coincident with the expiration of the individual income tax provisions of the federal Tax Cuts and Jobs Act (TCJA). Beginning in taxable year 2020, the individual tax brackets and the personal deductions will also be adjusted by the percentage increase of the C-CPI-U for the previous taxable year.
   
   The bill reduces the corporate income tax from its current rate of six percent to five and one-half percent in 2018 and to five percent in 2019 and subsequent years. The bill provides that any additional revenues generated by the TCJA, beyond those revenues necessary to offset the reduction in revenues resulting from the provisions of the bill, shall be transferred to the Tax Policy Fund, created by the bill, to be used to provide tax reform to Virginia taxpayers.
starting in fiscal year 2020. The bill contains an emergency clause.
Last Action: Referred to Committee on Rules (January 2, 2019)

22. **VA - HB2120** Paid Family and Medical Leave Program; established, financing through payroll taxes.
Primary Sponsor: Delegate Jennifer Carroll Foy
Cosponsors: Delegate Kaye Kory, Delegate Mark H. Levine
Summary: Paid family and medical leave program. Requires the Virginia Employment Commission to establish and administer a paid family and medical leave program with benefits beginning January 1, 2022. Under the program, benefits are paid to eligible employees for family and medical leave. Funding for the program is provided through premiums assessed to employers and employees beginning in 2021. The amount of a benefit is 70 percent of the employee's average weekly wage, not to exceed $850 per week, which amount is required to be adjusted annually to reflect changes in the statewide average weekly wage. The measure caps the duration of paid leave at 12 weeks in any application year. Self-employed individuals are provided the option of participating in the program. The bill has a delayed effective date of January 1, 2020.
Last Action: Assigned C & L sub: Subcommittee #1 (January 15, 2019)

23. **VA - HB2705** Historic rehabilitation; limit on tax credit that may be claimed.
Primary Sponsor: Delegate Robert S. Bloxom, Jr.
Summary: Historic rehabilitation tax credit. Provides that the $5 million per year limit on the amount of historic rehabilitation tax credit that may be claimed by each taxpayer, which currently expires on January 1, 2019, shall apply to all future taxable years.
Last Action: Read second time and engrossed (January 24, 2019)

24. **VA - SB1015** Education Improvement Scholarships tax credits; pre-kindergarten eligibility.
Primary Sponsor: Senator William M. Stanley, Jr.
Cosponsor: Delegate R. Steven Landes
Summary: Education Improvement Scholarships tax credits; pre-kindergarten eligibility. Expands the Education Improvement Scholarships tax credits program by including, as eligible scholarship recipients, children enrolled in or attending nonpublic pre-kindergarten programs. The maximum annual scholarship that a child admitted to, enrolled in, or attending a nonpublic pre-kindergarten program will receive is the lesser of the child's actual educational expenses or the state's share of the grant per child under the Virginia Preschool Initiative for the locality in which the child resides.
Under current law, tax credits are awarded to individuals and businesses making donations to nonprofit scholarship foundations using the donated funds to award scholarships to certain students in grades K-12 attending nonpublic schools. Eligible scholarship recipients are students in grades K-12 with a finalized individualized education program (IEP) in place or
whose annual household income is not in excess of 300 percent of the federal poverty guidelines.

The bill defines an eligible pre-kindergarten child and a nonpublic pre-kindergarten program and includes several other curriculum and administrative requirements that must be met by a nonpublic pre-kindergarten program in order for children attending the program to be eligible to receive scholarships under the tax credit program. Under the bill, the Virginia Council for Private Education or the Virginia Early Childhood Foundation will certify nonpublic pre-kindergarten programs meeting such curriculum and administrative requirements.

The bill also reduces the penalty for failure to fully disburse all donations received from 200 percent of the difference between 90 percent of the value of the donations it received and the amount disbursed to 100 percent of the difference.

Last Action: Referred to Committee on Finance (August 3, 2018)

25. VA - SB1588 Real property taxes; partial exemption for flood mitigation efforts.
Primary Sponsor: Senator Lynwood W. Lewis, Jr.
Summary: Partial exemption from real property taxes for flood mitigation efforts. Codifies an amendment to Article X, Section 6 of the Constitution of Virginia that was adopted by the voters on November 6, 2018, which enables a locality to provide by ordinance a partial exemption from real property taxes for flooding abatement, mitigation, or resiliency efforts for improved real estate that is subject to recurrent flooding. The bill provides that exemptions may only be granted for qualifying flood improvements. Qualifying flood improvements are defined in the bill as improvements that do not increase the size of any impervious area and are made to qualifying structures or to land. Qualifying structures are defined as structures that were completed prior to July 1, 2018 or were completed more than 10 years prior to the completion of the improvements. For improvements made to land, the improvements must be made primarily for the benefit of one or more qualifying structures. No exemption shall be granted for any improvements made prior to July 1, 2018.

The locality is granted the authority to (i) establish flood protection standards that qualifying flood improvements must meet in order to be eligible for the exemption; (ii) determine the amount of the exemption; (iii) set income or property value limitations on eligibility; (iv) provide that the exemption shall only last for a certain number of years; (v) determine, based upon flood risk, areas of the locality where the exemption may be claimed; and (vi) establish preferred actions for qualifying for the exemption, including living shorelines.

Last Action: Referred to Committee on Finance (January 22, 2019)
26. **VA - SB1337** State sales and use tax by remote sellers; collection, disposition of revenue, report.

Primary Sponsor: [Senator Mark J. Peake](http://www.senate.virginia.gov)

Summary: Collection of state sales and use tax by remote sellers; disposition of revenue; report. Creates the Online Revenue Collection Fund for the collection of revenues generated in the event that the General Assembly adopts legislation requiring the remittance of sales and use tax by remote sellers and marketplace facilitators. Following the first full fiscal year in which the remittance of state sales and use tax by remote sellers and marketplace facilitators is required, the Commissioner of the Department of Taxation shall report on the total amount of revenues collected and shall calculate the amount by which the state sales and use tax rate could be reduced and replaced with revenues from the Fund so as to be revenue neutral.

Last Action: Referred to Committee on Finance (January 8, 2019)

27. **VA - SB1373** Conditional rezoning proffers; extensive changes to conditional zoning provisions.

Primary Sponsor: [Senator Barbara A. Favola (D)](http://www.senate.virginia.gov)

Cosponsors: [Senator Richard H. Black](http://www.senate.virginia.gov), [Senator David W. Marsden](http://www.senate.virginia.gov)

Summary: Conditional rezoning proffers. Makes extensive changes to conditional zoning provisions first enacted in 2016. Specific amendments include the addition of provisions stating that no local governing body shall require any unreasonable proffer. Under current law, no locality may request or accept any unreasonable proffer. Other changes (i) allow an applicant to submit any proffer that the applicant deems reasonable and appropriate, as conclusively evidenced by the signed proffers, (ii) rewrite provisions related to certain revitalization areas and floor area density standards that are excluded from the statute's requirements, and (iii) state that nothing in the bill shall be deemed or interpreted to prohibit communications between an applicant or owner and the locality or to prohibit presentation, analysis, or discussion of the potential impacts of new residential development or other new residential use on the locality's public facilities. The provisions of the bill are effective as to any application for a rezoning or proffer condition amendment filed on or after July 1, 2019, or to certain other pending applications. The bill also provides that an applicant with a pending application for a rezoning or proffer condition amendment that was filed prior to July 1, 2016, may elect to proceed under the law as it existed prior to that date, and an applicant with a pending rezoning or proffer condition amendment application filed after July 1, 2016, but before July 1, 2019, may elect to proceed under the law as it existed during that period.

Last Action: Referred to Committee on Counties, Cities and Towns (January 24, 2019)