# 2020 General Assembly Review

HOME BUILDERS ASSOCIATION OF VIRGINIA

## Overview of 2020 General Assembly Session

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# Executive Summary

The 2020 Session of the Virginia General Assembly convened January 8th and adjourned *Sine Die* (Latin for "*adjourning with no appointed day for resumption*") on March 12th – five days after originally planned. This Session, a total of 3,646 bills and resolutions were introduced by members of the General Assembly on a variety of subjects, including housing/land-use, environmental regulations, transportation funding, labor and employment laws, gambling, public safety, taxes, tobacco and alcohol, and countless other subject areas. **This year, HBAV identified over 270 pieces of legislation that had a direct or indirect impact on the residential land development and construction industry in Virginia.**

The *2020 General Assembly Review* provides an overview some of the bills that the Home Builders Association of Virginia actively supported, opposed, or sought to amend during the General Assembly Session. Organized by subject, the *2020 General Assembly Review* includes descriptions of each bill, commentary regarding HBAV's position and action on the bill, and the bill's final status. This document is not intended to be a comprehensive list of all 270 pieces of legislation that HBAV identified as having a direct or indirect impact on the industry.

# HBAV's 2020 Legislative Agenda

Over the course of 2019, the Home Builders Association of Virginia (HBAV) worked with our 15 local associations and members around the Commonwealth to identify the pressing issues facing the residential land development and construction industry. Local home building associations and members were encouraged to submit legislative proposals which were then evaluated by the HBAV Legislative Committee and the HBAV Government Affairs team, who ultimately began drafting legislation in advance of the General Assembly Session.

As HBAV wrote in the Washington Post in the summer of 2019, the most pressing issue for the residential land development and construction industry is the dire need to address the shortage of housing available for individuals and families across the income spectrum. Demand for housing at all price-points is rising while supply remains stagnant. Although CNBC ranked Virginia as the Best State for Business, Virginia was ranked 32nd in cost of living. Virginia's continued economic vitality (and relatedly, it's standing as the best state for business) will be dependent upon our ability – or inability – to address the affordable housing crisis.

The growing scarcity and complexity of financing for new developments combined with the rising price of land, labor, and materials are noteworthy impediments to meeting the demand for new housing. Although some of those impediments are outside the scope of the state legislature, the Virginia General Assembly is uniquely positioned to work collaboratively with local governments to modernize our approach to land-use and zoning, remove local barriers to affordable housing, and implement innovative incentives that help "bend the cost curve" for affordable housing developments.

HBAV's 2020 General Assembly Legislative Agenda reflects the Association's commitment to advancing legislative initiatives that expand the housing industry's ability to meet the growing demand for housing at all price-points by reducing financial and local regulatory barriers to entry. HBAV's 2020 General Assembly Legislative Agenda also included legislation to create voluntary incentives to clean Virginia's waterways by planting and/or preserving trees and clarifying Virginia's Vested Rights statutes.

## Affordable Dwelling Unit Incentives

There are currently two statutes in Virginia Code that permit localities to enact "affordable dwelling unit ordinances" ("ADUs"). Virginia Code §15.2-2304 applies to Albemarle, Loudoun, Alexandria, and Fairfax and grants local governments broad authority to craft their local ordinances. Virginia Code §15.2-2305 applies to all the localities that aren't covered by §15.2-2304 and establishes specific parameters for local implementing ordinances. Although there is a diversity of opinion over the effectiveness of the broad ADU authority under §15.2-2304, there is significant consensus

that the current authority to enact ADU ordinances under §15.2-2305 is fairly complex, burdensome, and challenging to implement for both the local governments and the housing industry.

Delegate Betsy Carr (D-Richmond) and Senator Jennifer McClellan (D-Richmond) patroned HB 1101 and SB 834 to create a new, *optional* affordable dwelling unit ordinance (ADU) enabling statute to help localities reduce the economic barriers to entry for affordable housing projects by offering density bonuses and waivers or reductions of local development standards such as parking requirements, height restrictions, setbacks, buffers, and other local regulations. These incentives have proven to be effective ways to help the private-sector and non-profit development community offset the cost of providing below-market-rate units. HB 1101 and SB 834 are local option, do not impose mandatory requirements upon the development community or local governments, and also establish clear and unambiguous parameters for local governments as they look to establish affordable dwelling unit ordinances. **HB 1101 and SB 834 passed the House and Senate and have been signed by Governor Northam.**

## Virginia Housing Opportunity Tax Credit

Delegate Jeff Bourne (D-Richmond) patroned HB 810 to direct the Virginia Department of Housing and Community Development (DHCD) and the Virginia Housing Development Authority (VHDA) to convene stakeholder advisory group ("SAG") for the purpose of developing a *Virginia Housing Opportunity Tax Credit*, which is often referred to as a "State Low-Income Housing Tax Credit". **HB 810 was passed by both the House and Senate and signed by Governor Ralph Northam.**

Like the Federal Low-Income Housing Tax Credit (LIHTC), the *Virginia Housing Opportunity Tax Credit* would provide incentives for the utilization of private equity in the development and construction of affordable housing in Virginia. Under the Federal LIHTC Program, private investors receive a federal income tax credit as an incentive to make equity investments in affordable housing developments. That equity is then used to finance the construction and rehabilitation of affordable housing developments. The equity raised from the tax credits reduces the private and non-profit housing sectors reliance on costlier sources of financing, such as bank loans. Between 1987 and 2017, the Federal Low-Income Housing Tax Credit has financed over 47,000 projects and over 3.13 million housing units across the country[1] and over 99,000 affordable housing units in the Commonwealth of Virginia[2].

Approximately 19 states have enacted "State Low-Income Housing Tax Credit Programs" which can be utilized in conjunction with the Federal LIHTC to expand the amount of equity investment that is available for affordable housing developments and increase the number and geographic diversity of affordable housing developments. The design and structure of these tax credits programs and incentives vary from state to state.

In addition to developing model legislation and regulations for a Virginia Housing Opportunity Tax Credit, the SAG will also conduct financial modeling to determine the fiscal impact to the Commonwealth of Virginia of various levels of funding for the tax credit. Under House Bill 810, the SAG is expected to present its recommendations by September 1, 2020. The actual implementation of a Virginia Housing Opportunity Tax Credit would be subject to approval by the General Assembly during a future session.

## Tree Planting and Preservation Incentives

Delegate David Bulova (D-Fairfax) patroned HB 520 to direct the Department of Environmental Quality (DEQ) to convene a stakeholder advisory group for the purpose of studying the planting or preservation of trees as an urban land cover type and as a stormwater best management practice (BMP) and to determine whether the planting or preservation of trees shall be deemed a creditable land cover type or BMP and, if so, how much credit shall be given for its optional use. The stakeholder advisory group will be composed of representatives of the residential and commercial development and

[1] HUD: Low-Income Housing Tax Credit
[2] Virginia Housing Development Authority

construction industry, professional environmental technical experts, representatives of local government, local Virginia stormwater management program authorities, and other technical experts whom DEQ deems necessary.

Over the last several years, the General Assembly has considered numerous bills related to the planting, preservation, and replacement of trees during the development and construction process. HBAV recognizes the countless environmental, aesthetic, and community benefits of trees, but many of the bills that have been introduced over the last several years sought to create or expand the authority to impose strict tree ordinances that were too prescriptive and inflexible, restricted the property rights of a developer or homeowner, or did not strike a balance between economic development and water quality protection. HBAV has been successful in defeating those bills.

However, recognizing the varying perspectives on how Virginia's tree preservation, planting, and replacement statutes should be crafted, HBAV sought to identify a legislative initiative that would balance the perspectives of all stakeholders while also advancing Virginia's water quality and environmental goals. As a result, HBAV worked with the Virginia Association of Counties, the Virginia Municipal League, Arlington County, and the Thomas Jefferson Planning District Commission to draft HB 520.

HB 520 begins the process of evaluating how tree planting or preservation of trees could be used to meet Chesapeake Bay compliance targets and Virginia stormwater management requirements, with the goal of creating a valuable incentive for the residential land development and construction industry to plant and/or preserve trees during the planning, development, and construction process. This legislation builds on the existing research of the "Recommendations of the Expert Panel to Define BMP Effectiveness for Urban Tree Canopy Expansion" which contains substantive information about tree planting, preservation, and canopy but does not delve into specific programs or regulations that would need to be implemented to assign specific phosphorous, nitrogen, and sediment removal levels to tree planting, preservation or replacement practices. HBAV believes that the stakeholder advisory group created through this legislation will be able to implement such incentives. **HB 520 was passed by both the House and Senate and signed by Governor Northam.**

## Constitutional Amendment – New Construction Tax Abatements

Delegate Jeff Bourne (D – Richmond) introduced House Joint Resolution 2, which would amend the Constitution of Virginia to allow the General Assembly to authorize local governments to enact full or partial real estate tax abatement programs for **new construction** affordable housing developments. Currently, localities are only permitted to enact these programs for the rehabilitation of existing structures. Rehabilitation tax abatement programs have been successfully utilized by localities around the Commonwealth to spur catalytic investment in dilapidated, vacant, or under-utilized structures. **In Virginia, constitutional amendments must be passed by two separate General Assembly Sessions, with an election in between. Because the next General Assembly election will occur in November, 2021, the House Rules Committee "carried over" this constitutional amendment, and others, for the year to be voted on during the 2021 Session**.

## Vested Rights – Right of Way Dedications

Delegate Carrie Coyner (R – Chesterfield) and Delegate Jay Jones (D – Norfolk) patroned HB 929, which provides that certain approved final subdivision plats shall remain valid indefinitely if a recorded plat dedicating real property to the locality has been accepted by such grantee.

For larger master-planned communities, the initial costs of land acquisition, planning, infrastructure, and development are high; as a result, these communities are typically built in phases. This allows developers to manage their workload, evaluate future economic conditions and housing demand, minimize impact to adjacent existing communities, and secure financing. To facilitate this type of smart growth, the Code of Virginia contains several provisions which provide property owners predictability in the constantly evolving local land-use environment. In master-planned phased communities, developers rely on a locality's acceptance of public rights of way (ROW) for future phases. The Code of Virginia currently allows a developer to rely on ROW dedications indefinitely, but only if the dedication was made on a

final recorded subdivision plat that also shows a residential lot that has been sold. If the plat does not contain a sold residential lot, the locality is able to vacate the ROW after five years, which negatively impacts a developer's ability to pursue phased communities. HB929 eliminates the unique "lot sale" distinction and allow a property owner to rely upon a dedication indefinitely as long as the plat is recorded and accepted by the locality. **HB 929 was passed by the House and Senate and signed by Governor Northam.**

# Labor and Employment Laws

## Project Labor Agreements in Zoning Ordinances

SB 839 would have allowed any locality in Virginia to include in its zoning ordinance conditions that would require a developer, directly or through its contractors, to enter into binding contractual commitments that provide protections for the skilled and unskilled workers hired to build the development project in such areas as the following, among others: publicly available hiring standards and procedures, competitive wage levels, wage theft protections, prompt payment, apprenticeship and training programs, and neutral third-party dispute resolution processes.

Given the large number of labor-related legislation this Session, SB 839 was initially overlooked by many in the business community because it drafted to the zoning ordinance statutes in the Code of Virginia. At the initial hearing on the bill, HBAV and the Virginia Association for Commercial Real Estate were the only organizations to speak against the bill. At that meeting, we were successful in deferring the legislation for several weeks – and were subsequently able to build a coalition of numerous Chambers of Commerce to oppose the bill.

This bill would have been an unprecedented expansion of the long-standing purpose of local zoning ordinances. By using the land-use process to impose case-by-case labor agreements on new developments, this legislation would have resulted in a patchwork of labor requirements across localities and in some instances, varying labor requirements within a single jurisdiction. It would also force the zoning administrator of each locality to begin enforcing labor laws and agreements, which many zoning administrators do not have the capacity to do. **SB 839 was ultimately defeated by the Senate Local Government Committee by a vote of 12 to 3.**

## Heat Illness Prevention

HB 805 would have required the Safety and Health Codes Board to adopt regulations establishing reasonable standards designed to protect employees from heat illness, including requiring employers to provide water, shade or a climate-controlled environment, rest periods of 15 to 45 minutes per hour, training, and emergency response procedures. The standards would have also required employers in certain industries to implement high-heat procedures when the temperature is 90 degrees Fahrenheit or warmer.

HBAV and various other stakeholders met with the patron to discuss the significant impact that this legislation would have on our industry, as well as the practicality of implementing some of the provisions of this bill. **The House Labor and Commerce Subcommittee ultimately carried this bill over for the year to allow the patron and the relevant stakeholders the opportunity to identify practical solutions to the issues that prompted this legislation.**

# Local Authority to Supersede the Uniform Statewide Building Code

## Uniform Statewide Building Code; Exceptions, Provisions, and Modifications

SB 797 and HB 1005 would have granted local governments broad authority to impose building codes requirements that are more stringent than the Uniform Statewide Building Code (USBC). These bills would have significantly diluted the long-standing Virginia Code §36-98 which established a statewide building code (the USBC) that "supersedes the building codes and regulations of the counties, municipalities and other political subdivisions and state agencies".

There are some states that permit local governments to enact building codes specifically for their jurisdiction, which results in a patchwork of conflicting requirements and different levels of quality in construction in neighboring

jurisdictions. Virginia's statewide building codes provides for uniformity and predictability during the planning, designing, purchasing and construction process and allows the housing industry to maximize economies of scale, which is a critical component of advancing housing affordability.

**HBAV and the Virginia Association for Commercial Real Estate met with the patrons of these bills about the impact they would have on housing affordability and economic development in the Commonwealth. Both patrons agreed to strike the bills before they were considered in committee.**

## Local Energy Efficiency Code Requirements; Supersede Uniform Statewide Building Code

As introduced, HB 413 would have also diluted Virginia's statewide building code by authorizing local governments to include energy efficiency requirements in local subdivision ordinances. During the bill's hearing in committee, the patron introduced an amendment that would have granted local governments the general authority to enact energy efficiency requirements for all new developments; and would have allowed those local requirements to supersede the Uniform Statewide Building Code.

The patron's intent was to incentivize energy efficiency in new residential and commercial developments, which are both laudable goals. However, HBAV opposed the legislation on the basis that 1) local subdivision ordinances, which establish procedures for dividing land and providing public infrastructure, are not the appropriate venue for construction techniques and building code requirements; 2) energy efficiency requirements, and other building code-related initiatives, should be evaluated through the regulatory process with the Board of Housing and Community Development (BHCD), which is responsible for adopting amendments the Uniform Statewide Building Code. HBAV has consistently held the position that the General Assembly should not "legislate the building code" and should defer to the BHCD, which is comprised of individuals with technical expertise in construction, fire safety, and energy efficiency. HBAV also testified that the industry is actively engaged in the code development process and recently supported several code amendments that promote energy efficiency – and will continue to work with stakeholders on energy efficiency initiatives during future code development cycles. **This legislation was defeated in the House Counties, Cities, and Towns Subcommittee by a vote of 6-2.**

## Building Code Changes for Multi-Family Structures, Other High-Risk Structures

HB 1732 would have directed the Board of Housing and Community Development to revise the Uniform Statewide Building Code to require that all high-risk structures have key boxes installed in strategic locations on the outside of such structures. As defined in the bill, "high-risk structure" would include any structure that "house a large number of people" and various other types of structures.

HBAV opposed this legislation on the basis that amendments to the Uniform Statewide Building Code should be considered and evaluated by the Board of Housing and Community Development. As drafted, this legislation did not provide the Board of Housing and Community Development enough flexibility to consider the various, complicated components of the proposal. **This legislation was defeated by the House General Laws Subcommittee on Housing and Consumer Protection.**

## Building and Fire Codes; Notice Requirements

SB 141 provided that notices required by the Statewide Fire Prevention Code or the Uniform Statewide Building Code be provided to the owner of the building, structure, property, or premises in question by the enforcement agency or local building department, respectively. HBAV did not object to the substance of the bill but did express concerns about "legislating the building and Statewide Fire Prevention Code". **Because the patron of the bill was attempting to address a legitimate issue, HBAV and the Virginia Building Code Officials Association agreed to take up the matter during the current Code Development Process; the patron also agreed to strike the bill.**

# Zoning, Subdivisions, Land-Use, and Comprehensive Plan Legislation

## Inclusionary House; Zoning; Dilution of the "Dillon Rule"

HB 545 and HB 1101, amended sections of the Code of Virginia related to the "general powers" of local government. Both bills sought to grant local governments the broad authority to enact a variety land-use, zoning, and development ordinances without having to seek General Assembly approval. Virginia is a "Dillon Rule" state, which means that localities and local governing bodies have only those powers and authority that are granted to them by the General Assembly. Generally speaking, the "Dillon Rule" ensures that there is a degree of uniformity and predictability in ordinances and process around the Commonwealth.

Although HBAV fully supports efforts to increase the supply of affordable housing, these bills granted broad authority to local government to craft their local ordinances without any safeguards, guardrails, or parameters for the development community. The broad and vague enabling authority contained in these bills may have resulted in local ordinances intended to slow or restrain growth; or could have resulted in mandates and other costly local regulations for the development community.

**HBAV spoke with both patrons of the bill about the importance of enacting land-use and affordable housing legislation that provides a degree of uniformity throughout the Commonwealth; and the importance of enacting statutes that provide some "rules of the road" for both local governments and the development community. Both patrons agreed to strike their bills.**

## Climate Change in Comprehensive Plans, Zoning Ordinances

HB 672 would have required that every locality's Comprehensive Plan consider the impact of any "feature or improvement" on climate change and "shall seek to minimize or prevent such impact to the greatest extent practicable, including greenhouse gas reduction and energy efficiency strategies". The bill would have also required the local government zoning ordinances seek to prevent and minimize the impacts from and causes of climate change.

HBAV opposed this legislation on the basis that its overly broad language would be virtually impossible for localities and developers to implement and would require a level of expertise not available to local governments or developers. HBAV spoke with members of the committee and suggested that there are more "surgical" approaches to addressing the various components of climate change: advancing common-sense energy efficiency measures during the building code development process; reducing greenhouse gas emissions by revising local land-use ordinances to incentivize density, transit-oriented development, and locating housing closer to job centers; and advancing market-based programs that remove pollutants from the Commonwealth's waterways like the nutrient credit trading program.

**HB 672 passed the House of Delegates on a party-line vote of 55-44 but was not advanced by the Senate Agriculture, Conservation, and Natural Resources Committee which means that this legislation did not become law.**

## Zoning Administrators; Notice to Adjacent Property Owners

As introduced, SB 589 would have required zoning administrators to provide notice of all decisions and determinations to the agents or occupants of property abutting or across the road from the affected property. HBAV spoke with the patron about our concerns with the legislation:

> In suburban/urban localities, requests for decisions or determinations from the zoning administrator are common from both individual homeowners/property owners, as well as developers over the course of a development/construction project. Under SB 589 as introduced, if a property owner requested a clarification on a zoning ordinance regulation for his/her property, the zoning administrator would be required to send out hundreds and sometimes thousands of communications to individuals who reside on or own surrounding properties ("to the agent or occupants"), resulting in significant cost for the local government. Even in more rural localities, the cost of *identifying* all the "agents" or "occupants" of "abutting property" or "property

immediately across the street or road", and then subsequently *mailing* each one of those property owners would be a significant use of time resources and financial resources for local government and the staff. Although the "abutting property" and "property immediately across the street or road" language seems fairly "common sense" and easy to determine, there would be some instances where local government staff would have a difficult time determining where to draw the line.

The patron recognized the burden that the original language would impose on local governments and the development community and also agreed to amend the bill to address the specific issue in his district which prompted this legislation. As amended, the bill now only requires the zoning administrator to provide a copy of a decisions or determination to adjacent property owners if the decision or determination by the zoning administrator could impair the ability of an adjacent property owner to satisfy the minimum storage capacity and yield requirements for a residential drinking well pursuant to §32.1-176.4 or any regulation adopted thereunder. **HBAV supported the amended legislation which ultimately passed the General Assembly and was signed by Governor Northam.**

## Single-Family Residential Use; Middle Housing Allowed on Lots Zoned for Units

HB 152 would have required all localities to allow development or redevelopment of "middle housing" residential units upon each lot zoned for single-family residential use. As introduced, the bill defined "middle housing" as "two-family residential units, including duplexes, townhouses, cottages, and any similar structure". HBAV has been a strong supporter of modernized zoning ordinances, increased density, and any other changes to local zoning ordinances that incentivize the development and construction of affordable housing. However, HBAV expressed concerns with the legislation because it contained provisions authorizing localities to regulate the "siting, design, and environmental standards" of the "middle housing" units provided that the regulations did not discourage the development of such type of units through "unreasonable costs or delay" – HBAV believed that this provision could allow a locality to impose conditions or requirements beyond what they are already permitted to do with very little protection for a builder or developer – ie, how would a builder or developer be able to prove an "unreasonable" cost or an "unreasonable delay". HBAV also believed that the vagueness of several terms within the proposed legislation. As with any legislation, definitions and specificity matter and HBAV believes that there are more "surgical" ways to incentivize density in local zoning ordinances. **This legislation was defeated by a House Counties, Cities, and Towns Subcommittee.**

## Accessory Dwelling Units

HB 151 would have provided that all localities shall allow for the development and use of one accessory dwelling unit (ADU) per single-family dwelling (SFD), notwithstanding any contrary provision of a zoning ordinance. The bill requires localities to regulate the size and design of ADUs through an approval process, as well as regulate fees, parking, and other requirements, provided that the regulations (i) are not so arbitrary, excessive, or burdensome, individually or cumulatively, as to unreasonably restrict the ability of property owners to utilize or create ADUs and (ii) do not require the property owner to occupy the ADU or SFD as his primary residence.

HBAV's concerns with this legislation were similar to the concerns described above for HB 152. HBAV also believed that the legislation could be interpreted to create building code requirements for Accessory Dwelling Units, which has historically been the role of the Board of Housing and Community Development through the code development process. HBAV has been actively involved in the current 2018 Code Development Process and there are ongoing discussions about code requirements for Accessory Dwelling Units that may help localities incorporate these types of units into their zoning ordinances**. HB 151 was defeated in a House Counties, Cities, and Towns Subcommittee.**

## Water, Sewer, Drainage; Standards for Installation by Developer Reimbursement

As passed, SB 360 authorizes a locality that has adopted an ordinance for payment by a subdivider or developer of land of the pro rata share of the cost of providing reasonable and necessary sewerage, water, and drainage facilities to also provide in its subdivision ordinance that, when adequate water, sewerage, or drainage facilities are not available to serve a proposed subdivision or development, the subdivider or developer of the property may be permitted to install

reasonable and necessary water, sewerage, and drainage facilities, located on or outside the property limits of the land owned or controlled by the subdivider or developer but necessitated or required, at least in part, by the utility needs of the development or subdivision, including reasonably anticipated capacity, extensions, or maintenance considerations of a utility service plan for the service area and provides certain requirements for reimbursement of such installation. **This legislation was passed by the General Assembly and signed by Governor Northam.**

## Gifts of Real Estate; Title Search Required for Recordation

SB 359 would have provided that no deed of gift conveying real estate shall be recorded unless accompanied by a document certifying that a title search has been completed for the real estate subject to the deed and stating any matters affecting the title of property that were found by the title search. This legislation was introduced to address several incidents in Virginia, and elsewhere, where individuals claiming to be immune from the laws of Virginia and the United States have claimed a "sovereign right" to homes that were currently on the market.

HBAV recognizes that this a legitimate issue that must be addressed but had concerns that the language of the bill would have required that deeds of gifts between a parent and child and for other estate planning purposes, deeds of gifts to HOAS, and other legitimate deeds of gifts would be require to recite all of the elements found in a title search – which would be extremely burdensome and costly for individuals acting lawfully. **This legislation failed to report from the Senate Judiciary Committee**.

## Zoning; Development Approvals; Annexation, Boundary Adjustment

SB 647 provided for the transition of certain existing development approvals when a subject property shifts from one jurisdiction to another due to annexation, boundary adjustment, or other cause. The bill contains a grandfather clause for certain existing provisions. HBAV this legislation. **SB 647 was passed by the General Assembly unanimously and was signed by Governor Northam.**

## Comprehensive Plan; Adoption or Disapproval by Governing Body

HB 726 and SB 746, as introduced, would have extended the time by which a governing body is required to approve or disapprove a comprehensive plan amendment from 90 to 180 days after approval by the local planning commission. The intent of the legislation was to allow the local governing body additional time to evaluate the planning commission's recommendations during the Comprehensive Plan review that localities are required to conduct every five years. This legislation was advanced by Loudoun County following their most recent Comprehensive Plan update – more information can be found here.

There was some concern among the development community that the bill, as introduced, could potentially delay the approval of Comprehensive Plan Amendments that were associated with a residential rezoning initiated by a private sector developer.

HBAV worked with Loudoun County and the patrons of the bill to clarify that the extended review time would only apply to Comprehensive Plan Amendments that are initiated by the locality as a part of required Comprehensive Plan review. As amended, the local governing body has 150 days to take action on the planning commission recommendations provided that the Comprehensive Plan Amendment is initiated by the locality and involves 25 or more parcels.

**HB 727 and SB 746 were passed by the General Assembly and signed by Governor Northam.**

## Comprehensive Plan; Certain Localities to Promote Transit-Oriented Development

As introduced, HB 585 would have required every locality incorporate strategies to promote transit-oriented development for the purpose of reducing greenhouse gas emissions through coordinated transportation, housing, and land use planning.

HBAV and other stakeholders worked to amend the legislation to state that each city with a population greater than 20,000 and each county with a population greater than 100,000 ***consider*** incorporating into the next scheduled and all

subsequent reviews of its comprehensive plan strategies to promote transit-oriented development for the purpose of reducing greenhouse gas emissions through coordinated transportation, housing, and land use planning. **HB 585, as amended, was passed by the General Assembly and signed by Governor Northam.**

### Expansion of Impact Fee Authority

HB 1564 would have granted all localities the authority to impose impact fees on new residential development. HBAV spoke against the legislation during the House Counties, Cities, and Towns Subcommittee hearing and the Subcommittee agreed that HBAV's 2019 Proffer Legislation addressed many of the concerns that had been expressed by local governments and the housing industry; the Chairman of the Subcommittee also expressed his strong desire to allow local governments and industry to implement the 2019 Proffer Legislation before considering any additional modifications to the cash proffer system or transitioning to an impact fee system. **HB 1564 was unanimously defeated by the subcommittee.**

### Modifications to VDOT Design Standards

HB 1714 and SB 1011 would have allowed VDOT to approve modifications to the Department's design standards when applying such standards where appropriate to encourage economic development, address an identified safety concern, account for local topographic constraints, or address off-site impacts of development as negotiated through the rezoning process. HBAV expressed concerns with the vagueness of the language and the broad authority they could have granted VDOT Resident Administrators to issue modifications to design standards. **HB 1714 and SB 1011 were defeated in a House Transportation Subcommittee – VDOT did agree to administratively address the concerns that prompted this legislation**

### Board of Zoning Appeals; Writ of Certiorari

HB 505 provides that once the writ of certiorari is served in response to a petition from a party aggrieved by a board of zoning appeals decision, the board of zoning appeals shall have 21 days or as ordered by the court to respond. **The legislation was amended throughout the Session and was ultimately passed by the General Assembly and signed by Governor Northam**

## Tree Planting, Preservation, and Replacement Ordinances

### Trees; Conservation During Land Development Process

HB 1624 would have amended Virginia Code §15.2-961.1 to authorize **any locality** in the Commonwealth of Virginia to adopt extensive ordinances providing for the conservation of trees during the land development process. Currently, only localities in Planning District 8 (Northern Virginia) have the authority to adopt the types of ordinances in Virginia Code §15.2-961.1

Such ordinances would have required that the minimum tree canopy or tree cover percentage 20 years after development would be one of the following: 10% tree canopy for a site zoned business, commercial, or industrial; 10% tree canopy for a residential site zoned 20 or more units per acre; 15% tree canopy for a residential site zoned more than eight but less than 20 units per acre; 20% tree canopy for a residential site zoned more than four but not more than eight units per acre; 25% percent tree canopy for a residential site zoned more than two but not more than four units per acre; or 30% tree canopy for a residential site zoned two or fewer units per acre.

To demonstrate achievement of the required percentage of tree canopy listed above, local ordinances would have required site plans to:

- Graphically delineate the edges of predevelopment tree canopy, the proposed limits of disturbance on grading or erosion and sedimentation control plans, and the location of tree protective fencing or other tree protective devices allowed in the Virginia Erosion and Sediment Control Handbook;
- Include the 20-year tree canopy calculations on a worksheet provided by the locality;

- Provide a planting schedule that provides botanical and common names of trees, the number of trees being planted, the total of tree canopy area given to each species, variety or cultivars planted, total of tree canopy area that will be provided by all trees, planting sizes, and associated planting specifications. The site plan will also provide a landscape plan that delineates where the trees shall be planted.

These ordinances permit localities to include numerous other provisions in their ordinances – the full text of the enabling statute can be found here.

HBAV opposed this legislation in the House Counties, Cities, and Towns Subcommittee, but the subcommittee voted to send the bill to the full House Counties, Cities, and Towns Committee by a vote of 5 to 2. **However, after several discussions with the patron and proponents of the bill about the need to take a more holistic approach to revising Virginia's tree planting and preservation statutes, instead of simply expanding the Northern Virginia ordinances to the rest of the Commonwealth, the patron agreed to not advance the legislation.**

HBAV, the Virginia Association of Counties, and the Virginia Municipal League all agreed that there should be a more deliberate evaluation of these statutes prior to the introduction or passage of new legislation. HBAV agreed to work with the relevant stakeholders to identify potential legislative solutions that balance the interests of all the stakeholders.

## Tree Replacement Ordinance; Banking; Cash Payment In-Lieu Of

HB 1045 would have authorized any locality that has adopted a tree-replacement ordinance to require a developer to make up for any net loss in tree cover by planting additional trees on property protected by a conservation easement or paying the locality to do so. This legislation would have also allowed localities to require the payment of cash to a locality, in lieu of planting replacement trees. Local ordinances permitted under this legislation would have also required that any planted tree that dies during the first five years after planting be replaced.**HBAV and the Virginia Association for Commercial Real Estate met with the patron regarding our concerns with the legislation and the bill was stricken in committee.**

## Tree Conservation Ordinance; "Chesapeake Bay Watershed Trees"

HB 221 and SB 184 would have permitted localities to adopt ordinances regulating the preservation and removal of "Chesapeake Bay Watershed Trees", which was defined in the bill as any "tree that has been individually designated by the governing body of a locality … to have particular *ecological, stormwater, riparian buffer, or tree-canopy significance*" (emphasis added). HBAV opposed this legislation because virtually every tree in the Commonwealth has an "ecological, stormwater, riparian buffer, or tree canopy significance" and could therefore be subject to an ordinance regulating its preservation. The bill was amended several times during the Session, including one amendment that would have permitted local ordinances to restrict the removal of any individual or "groupings" of "flood mitigation trees". **Both HB 221 and SB 184 failed to advance this Session and will not become law.**

## Tree Planting and Preservation Incentives

Delegate David Bulova (D-Fairfax) patroned HB 520 to direct the Department of Environmental Quality (DEQ) to convene a stakeholder advisory group for the purpose of studying the planting or preservation of trees as an urban land cover type and as a stormwater best management practice (BMP) and to determine whether the planting or preservation of trees shall be deemed a creditable land cover type or BMP and, if so, how much credit shall be given for its optional use. The stakeholder advisory group will be composed of representatives of the residential and commercial development and construction industry, professional environmental technical experts, representatives of local government, local Virginia stormwater management program authorities, and other technical experts whom DEQ deems necessary.

Over the last several years, the General Assembly has considered numerous pieces of legislation related to the planting, preservation, and replacement of trees during the development and construction process. HBAV recognizes the countless environmental, aesthetic, and community benefits of trees, but many of the bills that have been introduced over the last several years sought to create or expand the authority to impose strict tree ordinances that were too

prescriptive and inflexible, restricted the property rights of a developer or homeowner, or did not strike a balance between economic development and water quality protection. As a result, HBAV has been successful in defeating those pieces of legislation.

Recognizing the array of varying perspectives on how Virginia's tree preservation, planting, and replacement statutes should be crafted, HBAV sought to identify a legislative initiative that would balance the perspectives of all stakeholders while also advancing Virginia's water quality and environmental goals. As a result, HBAV worked with the Virginia Association of Counties, the Virginia Municipal League, Arlington County, and the Thomas Jefferson Planning District Commission to draft HB 520.

HB 520 begins the process of evaluating how tree planting or preservation of trees could be used to meet Chesapeake Bay compliance targets and Virginia stormwater management requirements, with the goal of creating a valuable incentive for the residential land development and construction industry to plant and/or preserve trees during the planning, development, and construction process. This legislation builds on the existing research of the "Recommendations of the Expert Panel to Define BMP Effectiveness for Urban Tree Canopy Expansion" which contains substantive information about tree planting, preservation, and canopy but does not delve into specific programs or regulations that would need to be implemented to assign specific phosphorous, nitrogen, and sediment removal levels to tree planting, preservation or replacement practices. **HB 520 was passed both the House and Senate and signed by the Governor Northam.**

# Stormwater Management and Other Environmental Legislation

## Stormwater and erosion and sediment control; acceptance of plans in lieu of plan review

SB 843 authorizes the State Water Control Board or the Department of Environmental Quality, in its administration of a Virginia Stormwater Management Program, Virginia Erosion and Stormwater Management Program, or Virginia Erosion and Sediment Control Program, to choose to accept a set of plans and supporting calculations for any land-disturbing activity determined to be de minimus using a risk-based approach established by the Board. The bill provides that such plans and supporting calculations shall satisfy the requirement that the Board or the Department retain a certified plan reviewer or conduct a plan review. The bill also directs the Board to adopt implementing regulations and provides requirements for the process of adoption. **This legislation passed by the General Assembly and signed by Governor Northam.**

## Voluntary Forest Mitigation Agreements

As introduced, SB 674 would have authorized the Secretary of Natural Resources and the Secretary of Agriculture and Forestry to enter into an "mitigation agreements" with the owner or operator of any land-disturbing activity that involves construction of "buildings or infrastructure, including roads, pipelines, or energy generation and transmission facilities". Under the original language of the bill, these mitigation agreements shall, among other things:

- Document the extent to which the construction project has been designed to avoid and minimize adverse impacts to forests;
- Ensure that offset projects for each construction project achieve at least no net loss of forest acreage and function;
- Provide for the payment of cash by the owner or operator to (i) a public body (ii) a holder as that term is defined § 10.1-1009, or (iii) a nonprofit organization that makes grants to public bodies and holders.

HBAV's primary concern with the legislation, as introduced, was that it would result in a new "state cash proffer system" for new residential land development and construction projects and would place additional, costly regulatory burdens on the residential land development and construction industry.

HBAV advocated for the removal of the term "buildings" from the definition of "construction activities" and sought amendments to clarify that "infrastructure projects" pertained only to interstate highways. Those amendments were

accepted by the proponents and the patron of the legislation. The current version of this bill now only pertains to "interstate highways, pipelines, or energy generation and transmission facilities". **The bill as amended was passed by the House and Senate and was signed by Governor Northam.**

## Construction General Permit; Non-Agricultural Fill Disposal Requirements

As introduced, HB 1310 would have required private contractors who are disposing excess non-agricultural fill as part of their work under a Construction General Permit (CGP) issued by the Department of Environmental Quality (DEQ) to notify a locality and all adjacent property owners when and where such non-agricultural fill shall be disposed. Under this bill, the disclosures would have required information regarding the source of the material to be disposed, the contents of the material, and the location of the disposal.

This bill was introduced to address an individual, but persistent, issue in one locality where a large amount of non-agricultural fill was being disposed of by an individual who had been issued a Construction General Permit, but had not disclosed the location of where the non-agricultural fill would be disposed. HBAV agreed that the issue needed to be addressed, but that the language of the bill was overly broad and would impose extremely burdensome requirements on builders and developers who are operating under a complete and accurate Construction General Permit and who had implemented erosion and sediment control measures on both the receiving and original sites.

**Working with the patron, HBAV was able to amend the bill to place the disclosure requirement on the Department of Environmental Quality so the bill no longer has an impact on the residential land development and construction industry. This bill, as amended, was passed by the General Assembly and signed by Governor Northam.**

## Rural Fill Disposal; Department of Environmental Quality Work Group

HB 1639 directs the Department of Environmental Quality (DEQ) to convene a work group to research the practice of rural landowners allowing, or allowing for compensation, the use of their lands as disposal sites for construction fill and debris from road construction and development projects. The work group shall consider recommending regulations for possible adoption by DEQ, including a regulation containing a model ordinance relating to the practice for adoption by localities, and statutory changes, including changes to the practice related to agricultural engineering operations and construction of terraces. **This legislation was passed by the General Assembly and signed by Governor Northam.**

## Nutrient Credit Legislation

Virginia regulates the quality and quantity of stormwater runoff from urban land development activities under the Virginia Stormwater Management Program (VSMP). Under a VSMP permit, developers are required to implement a site-specific stormwater pollution prevention plan, which details how to reduce both the amount of runoff (water quantity) and the amount of pollutants, particularly phosphorus, discharged (water quality) from the development after construction. Since phosphorus is transported throughout a watershed, developers can achieve some of their water quality requirements through off-site measures, including the purchase of nutrient credits from nutrient banks. These nutrient banks/credit providers must provide long-term reductions in phosphorus loads by converting land to less intensive uses or by permanently converting agricultural land to forestland.

Under the current program, developers can purchase credits from the same or adjacent eight-digit hydrologic unit code. During the 2020 General Assembly Session, HB 1393 and HB 1464 would have placed significant restrictions on where developers would be able to purchase nutrient credits from. These bills would have resulted in another regulatory barrier to achieving the Chesapeake Bay TMDL's goals, restrict the supply and increase the price of nutrient credits, and would have required developers to utilize more on-site measures to meet water quality goals. HB 1393 and HB 1464 would have also increased the cost of engineering plans and land disturbance permits for residential, commercial, and other large economic development projects in metropolitan area where new developments rely extensively on nutrient credits.

**HBAV testified against the bills during the House Agriculture, Chesapeake, and Natural Resources subcommittee meeting. Both bills failed to advance through subcommittee.**

### Stormwater management; use of a proprietary best management practice

HB 882 directs the State Water Control Board to adopt regulations providing for the use of a proprietary best management practice only if another state, regional, or national certification program has verified and certified its nutrient or sediment removal effectiveness. **This bill was passed by the General Assembly and signed by Governor Northam.**

### Wetlands Protections; Living Shorelines

SB 776 requires the Virginia Marine Resources Commission to promulgate and periodically update minimum standards for the protection and conservation of wetlands and to approve only living shoreline approaches to shoreline stabilization where the best available science shows that such approaches are feasible. The provisions of the bill are contingent on funding in a general appropriation act. **This bill was passed by the General Assembly and signed by Governor Northam.**

### Stormwater Management; Inspections

SB 1007 would have directed the Water Control Board to adopt regulations that require that a long-term maintenance agreement for any best management practice that is a wet pond provide for inspections no more frequently than every three years. **This legislation passed the Senate but was defeated by a House Agriculture, Chesapeake, and Natural Resources Subcommittee by a vote of 5 to 3.**

## Affordable Housing Legislation

### Affordable Dwelling Unit Incentives

There are currently two statutes in Virginia Code that permit localities to enact "affordable dwelling unit ordinances" ("ADUs"). Virginia Code §15.2-2304 applies to Albemarle, Loudoun, Alexandria, and Fairfax and grants local governments broad authority to craft their local ordinances. Virginia Code §15.2-2305 applies to all the localities that aren't covered by §15.2-2304 and establishes specific parameters for local implementing ordinances. Although there is a diversity of opinion over the effectiveness of the broad ADU authority under §15.2-2304, there is significant consensus that the current authority to enact ADU ordinances under §15.2-2305 is fairly complex, burdensome, and challenging to implement for both the local governments and the housing community.

Delegate Besty Carr (D-Richmond) and Senator Jennifer McClellan (D-Richmond) patroned HB 1101 and SB 834 to create a new, *optional* affordable dwelling unit ordinance (ADU) enabling statute for localities to reduce the economic barriers to entry for affordable housing projects by offering density bonuses and waivers or reductions of local development standards such as parking requirements, height restrictions, setbacks, buffers, and other local regulations. These incentives have proven to be effective ways to help the private-sector and non-profit development community offset the cost of providing below-market-rate units. HB 1101 and SB 834 are local option, do not impose mandatory requirements upon the development community or local governments, and also establish clear and unambiguous parameters for local governments as they look to establish affordable dwelling unit ordinances. **Both bills were passed by the General Assembly and signed by Governor Northam.**

### Virginia Housing Opportunity Tax Credit

Delegate Jeff Bourne (D-Richmond) patroned HB 810 to direct the Virginia Department of Housing and Community Development (DHCD) and the Virginia Housing Development Authority (VHDA) to convene stakeholder advisory group ("SAG") for the purpose of developing a *Virginia Housing Opportunity Tax Credit*, which is often referred to as a State Low-Income Housing Tax Credit Program. HB 810 was passed by both the House and Senate and signed by Governor Ralph Northam on XX

Like the Federal Low-Income Housing Tax Credit (LIHTC), the *Virginia Housing Opportunity Tax Credit* would provide incentives for the utilization of private equity in the development and construction of affordable housing in Virginia. Under the Federal LIHTC Program, private investors receive a federal income tax credit as an incentive to make equity investments in affordable housing developments. That equity is then used to finance the construction and rehabilitation of affordable housing developments. The equity raised from the tax credits reduces the private and non-profit housing sectors reliance on costlier sources of financing, such as bank loans. Between 1987 and 2017, the Federal Low-Income Housing Tax Credit has financed over 47,000 projects and over 3.13 million housing units across the country[3] and over 99,000 affordable housing units in the Commonwealth of Virginia[4].

Approximately 19 states have enacted "State Low-Income Housing Tax Credit Programs" which can be utilized in conjunction with the Federal LIHTC to expand the amount of equity investment that is available for affordable housing developments and increase the number and geographic diversity of affordable housing developments. The design and structure of these tax credits programs and incentives vary from state to state.

In addition to developing model legislation and regulations for a Virginia Housing Opportunity Tax Credit, the SAG would also conduct financial modeling to determine the fiscal impact to the Commonwealth of Virginia of various levels of funding for the tax credit. Under House Bill 810, the SAG is expected to present its recommendations by September 1, 2020. The actual implementation of a Virginia Housing Opportunity Tax Credit would be subject to approval by the General Assembly during a future session.

## Constitutional Amendment – New Construction Tax Abatements

Delegate Jeff Bourne (D – Richmond) introduced House Joint Resolution 2, which would amend the Constitution of Virginia to allow the General Assembly to authorize local governments to enact full or partial real estate tax abatement programs for **new construction** affordable housing developments. Currently, localities are only permitted to enact these programs for the rehabilitation of existing structures. Rehabilitation tax abatement programs have been successfully utilized by localities around the Commonwealth to spur catalytic investment in dilapidated, vacant, or under-utilized structures. In Virginia, amendments to the Constitution have to be passed during two separate General Assembly Sessions, with an election in between. Because the next General Assembly election will occur in November, 2021, the House Rules Committee "carried over" this constitutional amendment, and others, for the year to be voted on during the 2021 Session.

## Discrimination Against Affordable Housing Development

As introduced, HB 7 and SB 97 would have prohibited any locality, its employees, or its appointed commissions from discriminating (i) in the application of local land use ordinances or guidelines, or in the permitting of housing developments, on the basis of race, color, religion, national origin, sex, elderliness, familial status, or handicap or (ii) in the permitting of housing developments because the housing development contains or is expected to contain affordable housing units occupied or intended for occupancy by families or individuals with incomes at or below 80 percent of the median income of the area where the housing development is located or is proposed to be located.

HBAV supported both bills as originally introduced. However, the bills were amended to provide an "exemption" which stated that the locality could not discriminate against affordable housing developments "unless at the time of the municipal decision, a proposed development will be located in a census tract wherein more than 50 percent of the units serve families or individuals at or below 80 percent of the median income of the area." These amendments were introduced to address some concerns that were raised about the concentration of affordable housing in certain areas, which is a legitimate issue. However, HBAV had concerns that the "at the time of municipal action" language was overly

[3] HUD: Low-Income Housing Tax Credit
[4] Virginia Housing Development Authority

broad and that the amendment, as a whole, could open the door to further exemptions being created in future General Assembly Session. **Both HB 7 and SB 97 failed to advance this Session and will not become law.**

HBAV committed to working with the patrons of the bills to identify alternative approaches to ensuring that development projects are not rejected solely on the basis of the presence of affordable housing and other ways to minimize the impact that NIMBYism has on the approval of affordable housing and mixed-income projects.

### City of Charlottesville – Affordable Housing Dwelling Unit Program

Delegate Sally Hudson (D – Charlottesville) introduced HB 1105 which adds the City of Charlottesville to the list of localities with the authority to provide for an affordable housing dwelling unit program under Virginia Code §15.2-2304. **This legislation was passed by the House and Senate and signed by Governor Northam.**

## Tax Abatement/Revitalization Incentives

### Tax Abatements in Redevelopment/Conservation Areas or Rehabilitation Districts

HB 537 and SB 727 will allow local governments to provide tax abatements for structures in redevelopment or conservation areas or rehabilitation districts for 30 years; the current Code of Virginia only allows localities to grant these tax abatements for 15 years. The tax abatement programs permitted under this Code Section have been extremely effective in spurring economic development and community revitalization. **HBAV supported HB 537 and SB 727 - both bills were passed by the General Assembly and have been signed by Governor Northam.**

## Administration of Government

### Local Government Lobbying; Notification to Local Clerk

SB 383 would have required an individual who is compensated to influence or attempt to influence a local government officer or employee regarding local government action to provide notice of such status to the clerk of the local governing body and would have required that such individuals to provide notice to the clerk within 15 days after first communicating or attempting to communicate with a local government officer or employee.

Although the bill exempted an "attorney clearly identified on a land-use application", HBAV expressed concerns that "land-use application" was undefined and could be subject to varying interpretation around the Commonwealth, including to include "permit runners" and other non-land use attorney staff who interact with local government departments throughout the development and construction process. HBAV supports increased transparency at the local government level but believes this legislation could be refined to accomplish that goal through different means.

**The Senate Local Government Committee voted to pass this bill "by indefinitely", which means that it did not advance. The Chairman of the Committee will send a letter to the relevant state agency to convene a workgroup to determine how best to accomplish the patron's goals**.

### Local Government; Codification of Ordinances; Affirmative Defense

HB 769 provided that any person who is the subject of an action brought by a locality for violation of an ordinance that is not codified is entitled to assert as an affirmative defense that the ordinance was not codified and therefore failed to provide adequate notice to the public of the contents of the ordinance. The bill also allows localities to codify all ordinances in an online format so as to be easily accessed by other governmental entities and the public. This bill failed to advance during the Session.

### Classification of Land and Improvements for Tax Purposes; City of Richmond

HB 725 authorizes the City of Richmond to impose a tax rate on improvements to real property that is different than the City's tax rate on the land upon which the improvements are located, provided that the tax rate is not zero and does not exceed the rate of tax rate imposed on the land. Under current law, the Cities of Fairfax, Roanoke, and Poquoson have

the authority to tax improvements and land at different rates. **HB 725 has passed the House, Senate, and has been sent to the Governor's office for review.**

# General Business Legislation:

## Business Licenses: Certain Localities Allowed to Waive Requirements

HB 466 allows localities with a population greater than 50,000 to waive license requirements for businesses with gross receipts of $200,000 or less. Current law limits such waiver to businesses with gross receipts of less than $100,000. **HB 466 has passed the House, the Senate, and has been signed by Governor Northam.**

## Right to Work

HB 153 would have repealed Virginia's Right to Work Law, which bans compulsory union membership. This legislation was passed by the House Labor and Commerce Committee but re-referred to the House Appropriations Committee, where it did not receive a hearing. Similar legislation, dubbed the "Fair Share Bill", was "passed by" for the year, so it does not become law. The Senate Commerce and Labor Committee opted to establish a special subcommittee to study the issue.

# Study Legislation

## Affordable Housing Incentives Study

HB 854 directs the Department of Housing and Community Development and the Virginia Housing Development Authority to convene a stakeholder advisory group to evaluate ways to incentivize the development of affordable housing. The stakeholder advisory group shall (i) determine the quantity and quality of affordable housing and workforce housing across the Commonwealth, (ii) conduct a review of current programs and policies to determine the effectiveness of current housing policy efforts, (iii) develop an informed projection of future housing needs in the Commonwealth and determine the order of priority of those needs, and (iv) make recommendations for the improvement of housing policy in the Commonwealth.

The advisory group shall consider the following proposals as well as other proposals it considers advisable during the course of its analysis and deliberations: (a) a Virginia rent subsidy program to work in conjunction with the federal Housing Choice Voucher Program, (b) utility rate reduction for qualified affordable housing, (c) real property tax reduction for qualified affordable housing for localities that desire to provide such an incentive, (d) bond financing options for qualified affordable housing, and (e) existing programs to increase the supply of qualified affordable housing. **HBAV supported the legislation, which was passed by the General Assembly and signed by Governor Northam.**

## Study of economic consequences of climate-related events on coastal Virginia

Senate Joint Resolution 38 directs the Joint Commission on Technology and Science to study the safety, quality of life, and economic consequences of weather and climate-related events on coastal areas in Virginia. In conducting its study, JCOTS shall examine (i) the negative impacts of weather, and geological and climate-related events, including displacement, economic loss, and damage to health or infrastructure; (ii) the area or areas and the number of citizens affected by such impacts; (iii) the frequency or probability and the time dimensions, including near-term, medium-term, and long-term probabilities of such impacts; (iv) alternative actions available to remedy or mitigate such impacts and their expected cost; (v) the degree of certainty that each of these impacts and alternative actions may reliably be known; and (vi) the technical resources available, either in state or otherwise, to effect such alternative actions and improve our knowledge of their effectiveness and cost. The provisions of the resolution are contingent on funding in a general appropriation act

The Commission shall complete its meetings by November 30, 2020, and the Chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2021 Regular Session of the General Assembly. **This legislation was passed by the General Assembly.**