



2019 General Assembly Session Overview

The 2019 Session convened on January 9th and adjourned Sine Die on February 24th. The Home Builders Association of Virginia was tracking over 150 pieces of legislation that had a direct or indirect impact on the residential land development and construction industry.

Passed Legislation

SB 1373 / HB 2342 – HBAV's Proffer Legislation

Over the course of 2018, HBAV worked with local governments and other stakeholders on a package of amendments to the 2016 Proffer Law. These amendments are intended to re-open the lines of the communication between local governments and the industry; and will allow greater flexibility for the industry and local governments to propose, negotiate, and agree upon different types of onsite and offsite proffers.

HBAV successfully passed these bills through the House and Senate with overwhelming bipartisan support and strong margins. SB 1373 was communicated to the Governor's office before the "seven day" deadline and as a result, has already been signed by the Governor. These bills will become effective July 1, 2019.

HB 2229 – HBAV's Affordable Housing Fee Waiver Legislation

This legislation will allow local governments to enact ordinances to grant fee waivers for private-sector entities that are pursuing affordable housing developments. The legislation grants localities the authority to define "affordable housing" and establish other conditions in order to qualify for fee waivers. This bill has been sent to the Governor's office for review.

Our local associations are encouraged to engage their local government officials to begin crafting these ordinances as soon as possible.

HB 1966 – Issuance of Building Permits; Local Fee Usage

This legislation seeks to ensure timely reviews of building permits, written explanations of reasons for permit denial, and timely re-reviews. This bill also clarifies existing Code language to ensure that revenues generated by local building department fees are re-invested back into the department so that they can continue to hire new staff, implement technology upgrades, and streamline and modernize the department's processes. This bill has been sent to the Governor's office for review.

HB 2726 – Local Workforce Development Boards

This legislation requires each local workforce development board to develop strategies for engaging opportunity youth and place them on pathways to education, training, and careers. The bill also provides for local workforce development boards to develop performance measures for evaluating the results of the implementation of such strategies and submit the measures annually to the Governor's Chief Workforce Development Advisor by November 30. This bill has been sent to the Governor's office for review.

Defeated Legislation:

HB 2361 – Stormwater Grandfathering Elimination Legislation

This legislation would have eliminated both types of “grandfathering” under the Stormwater Management Act / DEQ’s Construction General Permit. Under this legislation, any land disturbing activities after July 1, 2019 would have been required to meet DEQ’s Part II B technical criteria. HBAV worked with the patron on several amendments that would have allowed the original permittee to continue operating under the older technical criteria; but would have required a new owner to terminate permit coverage and reapply under the new technical criteria. Although this was compromise language that HBAV agreed to, there were still serious concerns about the impact that this legislation would have on property values and the long-standing legal principle of “vested rights”. Ultimately, this legislation did not receive a hearing by the Senate Agriculture, Conservation, and Natural Resources Committee and therefore, will not become law.

HB 2549 – Cluster Zoning Density Calculations

This legislation initially would have prohibited localities from including Resource Protection Areas (RPAs) in density calculations for clustered developments. HBAV worked with the patron to include two amendments: 1) re-enactment clause which means that the law would not become effective unless passed by the 2020 General Assembly; 2) giving localities the option to include or exclude RPAs in density calculations for clustered developments. Ultimately, this legislation did not receive a hearing on the floor of the Senate and will not become law.

HB 2333 – Restrictive Tree Ordinances

This legislation would have authorized localities to adopt tree ordinances exceeding the minimum tree canopy requirements for tree preservation, planting, or replacement during the development process to assist in achieving certain water quality or water quantity goals.

SB 1699 – Sidewalk Funds

This legislation would have given developers an option of dedicating land/constructing a sidewalk or contributing funds to the local government for the construction of a sidewalk with minimal restrictions on how or where those funds would be spent.

Other Defeated Legislation:

- Expansion of regulatory restrictions on groundwater withdrawals
- Mandatory affordable dwelling unit programs
- Deregulation of landscape architects and soil scientists
- Mandatory compliance with all provisions of the International Property Maintenance Code

For more information about the 2019 General Assembly Session, please contact HBAV’s Vice President of Government Affairs, Andrew Clark, at AClark@HBAV.com

