

COUNTY OF ALBEMARLE



MEMORANDUM

TO: Board of Supervisors

FROM: Greg Kamptner, County Attorney
John C. Blair II, Deputy County Attorney

DATE: May 3, 2017

RE: 2017 Virginia General Assembly Legislative Priorities Update

On August 3, 2016, the Board adopted its three legislative priorities for the 2017 Virginia General Assembly. The three priorities were to: (1) give counties the authority to establish economic revitalization zones; (2) amend Virginia Code § 15.2-2303.4, the new proffer statute, to clarify certain language in the law; and (3) initiate or support legislation granting urban counties taxing powers equal to those granted to cities. This memorandum is to provide a brief overview of the bills introduced to the Virginia General Assembly that are of significance to Albemarle County's legislative priorities. House and Senate bills can be accessed via the Virginia General Assembly website at [LIS](#).

Bills of significance to Albemarle County's Legislative Priorities.

Passed legislation

Economic Revitalization Zones

- **[HB 1970](#)—Creation of economic revitalization zones in counties**
Grants counties authority to create economic revitalization zones. The zones shall be for the purpose of providing incentives to private entities to purchase real property and interests in real property to assemble parcels suitable for economic development. Each county establishing an economic revitalization zone may grant incentives and provide regulatory flexibility.

Growth management, Land use and Transportation

- **[HB 2108](#)—Virginia Broadband Act.**
Requires each broadband authority to maintain records demonstrating compliance with certain provisions and to make the records available for inspection and copying by the public pursuant to the Freedom of Information Act.
- **[SB 1282](#)—Wireless communications infrastructure; procedure for approval by localities.**
Sets regulations for approval of siting of small cell wireless facilities that attach to existing structures as well as retaining state and local government authority to determine whether or not to allow access as long as the state and local governments are not discriminating against wireless facilities.

Local Government Administration and Finance

- **[SB 1578](#)—Short-term rental.**
Authorizes a locality to adopt an ordinance requiring the registration of persons offering property for short-term rental, clarifies that certain property rented on a short-term basis is considered a bed and breakfast establishment for purposes of ABC licensing as well as requiring short-term rental operators to obtain an ABC license, and authorizes localities to impose penalties not to exceed \$500 per violation on persons who violate the registry ordinance.
- **[HB 1987](#)—ABC license for certain “commercial lifestyle centers.”**
Defines "commercial lifestyle center" and creates a new nonretail license for commercial lifestyle centers. The bill sets out the privileges of the license and imposes a \$300 annual state tax and a \$60 annual local tax on the license.
- **[HB 2154](#)—Running Bamboo.**
Authorizes any locality to adopt an ordinance requiring proper upkeep of running bamboo and prohibiting the spread of running bamboo from a landowner's property, with violations punishable by a civil penalty not to exceed \$50 for a first violation and not to exceed \$200 for a subsequent violation within 12 months.
- **[HB 2193](#)—Business personal property tax.**
Requires localities to permit taxpayers to provide an aggregate estimate of the total cost of all personal property used in a business that has an original cost of less than \$500, in lieu of a specific, itemized list. Under current law, localities are permitted to allow taxpayers to provide such estimate of aggregate cost for property whose original cost is less than \$250.
- **[HB 2381](#)—Dangerous Dog.**
Removes the requirement that a law-enforcement officer or animal control officer apply for a summons requiring a dog owner to appear before a general district court when the officer has reason to believe that the dog is dangerous. In the case of a dog that has bitten a cat or dog, the bill requires investigation by an officer for certain exemptions from the definition of "dangerous dog" to apply and removes an exemption for good cause as determined by a court. In the case of a dog that has bitten a person, the bill creates an exemption when an investigating officer finds that the injury is minor. The bill allows a court to use good cause as a reason to determine that a dog is not dangerous. The bill also reduces from 45 days to 30 days the period within which (i) an owner of a dog found to be dangerous is required to obtain a dangerous dog registration certificate and (ii) a convicted owner of a dangerous dog is required to comply with certain provisions.
- **[SB 856](#)—Cats and dogs; lifetime licenses.**
Authorizes the governing body of a county or city to provide for a lifetime dog or cat license. The bill also removes the minimum annual tax for a dog or cat, sets the maximum tax for a lifetime license at \$50, and limits the fee for a duplicate dog or cat tag to \$1.

Freedom of Information Act (FOIA)

- **[HB 1539](#)—FOIA; public access to records of public bodies.**
Among other things, (i) defines "personal contact information" that is excluded from

FOIA's mandatory disclosure provisions in certain cases; (ii) clarifies that a requester has the right to inspect records or receive copies at his option; (iii) clarifies language in certain record exclusions under FOIA that certain records may be disclosed at the discretion of the custodian; (iv) consolidates the personnel record exclusion with the limitation on the application of that exclusion, and (v) specifically clarifies that the name, in addition to position, job classification, and salary, of a public employee is public information as per opinions of the Attorney General and the FOIA Council.

- **HB 1540—FOIA; public access to meetings of public bodies.**

Among other things, (i) clarifies where meeting notices and minutes are to be posted, (ii) requires copies of proposed agendas to be made available, (iii) eliminates reporting to the Joint Commission on Science and Technology when a state public body convenes an electronic communication meeting, and (iv) makes technical corrections to several open meeting exemptions to provide context for those meeting exemptions that currently only cross-reference corollary records exemptions. The bill also clarifies closed meeting procedures.

- **SB 1040—FOIA; record exclusion for personal contact information.**

Provides that personal contact information provided to a public body for the purpose of receiving electronic mail from the public body is excluded from the mandatory disclosure provisions of FOIA, provided that the electronic mail recipient has requested that the public body not disclose such information. The bill defines "personal contact information" as the home or business (i) address, (ii) email address, or (iii) telephone number or comparable number assigned to any other electronic communication device.

Conflict of Interests Act (COIA)

- **HB 1854—COIA**

Makes numerous changes to the laws governing lobbyist reporting, the conflict of interest acts, and the Virginia Conflict of Interest and Ethics Advisory Council (the Council), including (i) extending the filing deadline for disclosure forms from January 15 to February 1 of each year and clarifies the reporting period covered by the disclosure forms, (ii) lowering from \$10,000 to \$5,000 the value of contracts excluded from the prohibition on having a personal interest in certain contracts, (iii) requiring any officer or employee who is required to file a disclosure as a condition of assuming office or employment to file on or before the day the officer or position is assumed.

Failed Bills

Conditional zoning proffers

- **HB 1674—Definition of public facilities.** This bill expanded the definition of public facilities to include libraries, court facilities, and certain other public buildings.

Status: Bill tabled by House Subcommittee #2 of the Cities, Counties, and Towns Committee.

- **HB 1735—Provisions applicable to certain proffers.** This bill provided that for purposes of determining what constituted the requesting of an unreasonable proffer, the term "locality" would not include a person participating at a meeting sponsored by a locality for the purpose of facilitating communication among interested parties and the applicant,

provided that the person did not have a statutory role in the approval of a rezoning or a proffer condition amendment

Status: Bill tabled by House Subcommittee #2 of the Cities, Counties, and Towns Committee.

- **HB 1899—Affordable dwelling units.** This bill exempted onsite proffers related to affordable dwelling units from provisions that determine whether a proffer is unreasonable.

Status: Bill tabled by House Subcommittee #2 of the Cities, Counties, and Towns Committee.

Equalized taxation

- **SB 1329—Local cigarette tax.** This bill allowed all localities to impose a cigarette tax by removing the requirement that only those localities that had such authority prior to 1977 would be eligible. The bill set a maximum rate on the cigarette tax imposed by counties of five cents per pack or the amount levied under state law, whichever would be greater.

Status: Bill died in the Senate Committee on Finance.

- **SB 956—County food and beverage tax.** This bill increased from four percent (4%) to eight percent (8%) the maximum tax that any county would be authorized to impose on food and beverages sold by a restaurant, commonly referred to as the meals tax. The bill also removed the requirement that a county hold a referendum before imposing a meals tax. **York County requested this legislation and alerted localities prior to the 2017 session.**

Status: Bill died in the Senate Committee on Finance.

Local Government Administration and Finance

- **HB 1558—Safety restraint use in motor vehicles.** This bill required all occupants of motor vehicles to utilize safety restraints. Current law requires safety belt use only by occupants under the age of 18, drivers, and passengers 18 years of age or older occupying the front seat.

Status: Bill died in Subcommittee #2 of the House Committee on Militia, Police and Public Safety.

- **HB 2192—Relocation of courthouse.** This bill provided that in the case of a county courthouse located in a city, the relocation or expansion of the courthouse to any other location within such city is not such a removal as to require authorization by the electorate. **Del. Landes filed this bill on behalf of Augusta County. This bill would not have affected Albemarle County.**

Status: Bill died in Subcommittee #2 of the House Committee on Counties, Cities, and Towns.

- **SB 1157—Lobbyist disclosure; reporting by certain political subdivisions.** This bill would have required the governing body of any association or other nonstock corporation that is established by a political subdivision or combination of political subdivisions of the Commonwealth to file a separate registration statement on behalf of their officers and employees who will be engaged in lobbying. The bill also prohibited such political subdivisions from using public funds to support lobbying efforts and required funds used for lobbying to be segregated from public funds and held in a separate bank account. **This bill was sponsored by Sen. Reeves and would have effectively ended the TJPDC**

Legislative Liaison's ability to advocate for the region.

Status: Bill died in the Senate Committee on Rules.

Equalized taxation

- **HB 1925—Local cigarette tax.** This bill authorized all counties to impose a cigarette tax. Under current law, only the Counties of Fairfax and Arlington are authorized to impose a cigarette tax.
Status: Bill died in the House Committee on Finance.
- **HB 2447—Local licensure of motor vehicles.** This bill eliminated the ability of a locality to assess local license fees for motor vehicles, trailers, and semitrailers. **It is estimated that the County would face a deficit of close to \$4 million without an in-kind substitute of revenue based on the requirements of this bill.**

Status: Bill died in the House Committee on Transportation.