

Select 2020 Legislative Priorities and Initiatives

1. In-kind Resources to Volunteer Firefighting and Emergency Service Providers

Priority: Initiate or support legislation to amend Virginia Code § 15.2-953(B) to enable localities to provide in-kind resources to volunteer firefighting and emergency service providers.

Rationale: Virginia Code § 15.2-953 is the enabling authority for localities to make charitable contributions or donations for not-for-profit and other qualifying entities that provide various services to the public. Localities are enabled under that section to contribute real property, personal property, and money to volunteer firefighting and emergency service providers, but are not enabled to provide in-kind resources to qualifying entities except when the donation is for an “event” sponsored by the donee. The value of a locality’s monetary contribution could be enhanced if the locality was also enabled to provide in-kind resources such as, for example, project and contract management services for capital projects, assisting in preparing proposals, budgeting services, and providing insurance.

2. Local Control Over Monuments and Memorials for War Veterans

Priority: Initiate legislation to amend Virginia Code § 15.2-1812 and any other sections determined to be necessary to grant local authority over the retention, relocation, removal, and contextualization of war memorials and monuments on locality property, and to make the authority to contextualize declaratory of existing law.

Rationale: Virginia Code § 15.2-1812 makes it “unlawful for the authorities of the locality, or any other person or persons, to disturb or interfere with any monuments or memorials so erected, or to prevent its citizens from taking proper measures and exercising proper means for the protection, preservation and care of same.” Virginia Code § 15.2-1812.1 imposes civil liability for violating Virginia Code § 15.2-1812. Virginia Code § 18.2-137 “any person [who] unlawfully destroys, defaces, damages or removes without the intent to steal any property, real or personal, not his own, or breaks down, destroys, defaces, damages or removes without the intent to steal, any monument or memorial for war veterans described in [Virginia Code] § 15.2-1812” is guilty of a Class 3 misdemeanor. The authority, if granted, would give localities control over war memorials and monuments on their real property.

3. Prohibition on Carrying Specified Loaded Weapons in Public Areas

Priority: Initiate or support legislation to amend Virginia Code § 18.2-287.4 to add Albemarle County to the list of localities in which carrying specified loaded weapons in public areas is prohibited.

Rationale: The current law makes it unlawful for any person to carry specified semi-automatic weapons and shotguns on any public street, road, alley, sidewalk, public right-of-way, or in any public park or any other place of whatever nature that is open to the public. The law applies in the Cities of Alexandria, Chesapeake, Fairfax, Falls Church, Newport News, Norfolk, Richmond, or Virginia Beach or in the Counties of Arlington, Fairfax, Henrico, Loudoun, or Prince William. The specified weapons that are prohibited are semi-automatic center-fire rifles or pistols that are equipped at the time of the offense with a magazine that will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock, and shotguns with magazines that will hold more than seven rounds. The authority, if granted, would improve public safety in public areas where many people may be present.

4. Increasing the Minimum Tree Canopy Preserved During Development

Priority: Initiate or support legislation to amend Virginia Code § 15.2-961.1 to add Albemarle County to the list of localities enabled to require an increased percentage of tree canopy to be preserved during development.

Rationale: The proposed legislation would enable the County to join certain localities in Planning District 8 (northern Virginia) to increase the minimum tree canopy required to be preserved. Staff has

identified broad categories of benefits, with some of them having climate change implications, including air quality, water quality, stormwater management and pollution abatement, human health and well-being, energy conservation, outdoor recreation, education, property values, quality of life, wildlife habitat, and biological diversity. An enhanced urban tree canopy would also better fulfill the County's stated goal of its Development Areas being "attractive, desirable places to live and work."

6. **Equal Taxing Authority for Counties**

Priority: Support legislation granting urban or high-growth counties taxing powers to impose a city-level transient occupancy tax, or initiate legislation that would enable the County to impose a city-level transient occupancy tax for a specific identified purpose.

Rationale: Cities and counties have different authority to levy excise taxes on transient room rentals. Counties may levy transient occupancy taxes subject to a restrictive cap and the requirement that the revenue generated be spent only for designated purposes. Many counties, including Albemarle County, are subject to a five percent cap and are required to spend all tax revenues in excess of two percent on tourism-related purposes. The distinction in taxing authority between cities and counties exists due to historical differences in the levels of services provided by cities (urban level) and counties (rural level). The General Assembly has authorized some counties to impose a transient occupancy tax at levels higher than Albemarle County, with the additional requirement that the increased revenue be applied for a specific purpose or an identified project. Even if the increased revenue received by the County was earmarked, it would reduce the reliance on the real property tax as a revenue source.

6. **Impact Fees**

Priority: Support legislation that would repeal current Virginia Code §15.2-2328, which limits impact fees to only those localities that had established an urban transportation service district and adopted an impact fee ordinance on or before December 1, 2008, and enable impact fees to be available to all localities. Support legislation that would grant localities the authority to develop impact fee programs to meet the capital needs attributable to new development as specified in Virginia Code §15.2-2329. Staff anticipates that impact fees would be in lieu of any cash proffers.

Rationale: Under the current State law, the financial burden of addressing the impacts on public facilities resulting from new residential development falls on those projects that go through the rezoning process for which cash proffers are accepted, or by current residents and businesses, through taxes. A proper impact fee program would replace the cash proffer program. An impact fee could have at least four positive effects: (i) it would be more fair by spreading the cost of addressing the impacts to all new development, including by-right development; (ii) the per unit cost to address impacts should be reduced because the impact fees would draw from a base that is much larger (all residential development) than those residential development for which proffers are accepted (residential development resulting from a rezoning); (iii) it would eliminate the disincentive to rezone land in the County's Development Areas because of cash proffers; and (iv) developers may be incentivized to rezone their land for residential development in a way that is consistent with the Comprehensive Plan.