



# **Legislative Subcommittee Meeting**

**Bills for Council Consideration**

**January 15 & 22, 2021**

*\*Strike throughs indicate bills that have failed at time of publication*

## **ALCOHOLIC BEVERAGE CONTROL**

[HB1845](#) Alcoholic beverage control; license fee reform.

### **SUPPORT** *principle*

Primary Sponsor: Schuyler T. VanValkenburg

Summary: Alcoholic beverage control; license fee reform; delay; emergency. Delays the effective date of the 2020 alcoholic beverage control license and fee reform from July 1, 2021, to January 1, 2022. During the period of delay and subject to certain requirements, the bill allows on-premises wine or beer licensees to sell wine or beer for off-premises consumption and allows such licensees, as well as off-premises wine or beer licensees, to deliver wine or beer that the licensee is authorized to sell without a delivery permit. The bill contains a technical amendment and an emergency clause.

[HB1879](#) Alcoholic beverage control; sale and delivery of mixed beverages and pre-mixed wine.

### **SUPPORT** *principle*

Primary Sponsor: David L. Bulova

Summary: Alcoholic beverage control; sale and delivery of mixed beverages and pre-mixed wine for off-premises consumption. Allows distillers that have been appointed as agents of the Board of Directors (the Board) of the Virginia Alcoholic Beverage Control Authority (the Authority), mixed beverage restaurant licensees, and limited mixed beverage restaurant licensees to sell mixed beverages for off-premises consumption and deliver such mixed beverages to consumers subject to requirements set forth in the bill. The bill allows the Board to summarily revoke a licensee's privileges to sell and deliver mixed beverages for off-premises consumption for noncompliance with the requirements set forth in the bill or applicable provisions of current law. The bill also allows farm winery licensees to sell pre-mixed wine for off-premises consumption. The bill directs the Authority to convene a work group to study the sale and delivery of mixed beverages and pre-mixed wine for off-premises consumption and report its findings to the Chairmen of the House Committee on General Laws and the Senate Committee on Rehabilitation and Social Services by November 1, 2021. The provisions of the bill sunset on July 1, 2022.

[HB2051](#) Alcoholic beverage control; local outdoor refreshment areas.

### **SUPPORT**

Primary Sponsor: Jeffrey M. Bourne

Summary: Alcoholic beverage control; local outdoor refreshment areas. Defines "outdoor refreshment area" and permits the governing body of any locality in the Commonwealth to designate, by ordinance, up to three outdoor refreshment areas within such locality. The bill provides that such ordinance would permit the consumption of alcoholic beverages within the outdoor refreshment area, provided that such alcoholic beverages are purchased from a permanent retail on-premises licensee

located within such designated area and are contained in disposable containers with a maximum capacity of no more than 16 fluid ounces that clearly display the selling licensee's name or logo. The bill requires the locality, prior to adopting such an ordinance, to create a public safety plan for each outdoor refreshment area.

[HB2131](#) Alcoholic beverage control; license application, locality input.

#### **WATCH**

Primary Sponsor: Alfonso H. Lopez

Summary: Alcoholic beverage control; license application; locality input; corrective action. Adds the chief administrative officer of a locality to the list of persons who may be sent notice of certain license applications by the Board of Directors (the Board) of the Virginia Alcoholic Beverage Control Authority. The bill allows localities to submit conditional recommendations for the granting of a license and allows the locality to request a 15-day extension to the 30-day period during which an objection to or recommendation for a license must be submitted. The bill requires the Board to give reasonable consideration to any objection or recommendation submitted by the locality. The bill also expands the definition of criminal blight, for which the locality may require a property owner to take corrective action, to include a condition existing on real property that endangers public health or safety and is caused by (i) the regular presence on the property of persons in possession of controlled substances, (ii) the discharge of a firearm under certain conditions, and (iii) repeated violations of state laws or local ordinances involving acts that pose a risk of danger to persons or private property.

[HB2266](#) Alcoholic beverage control; local outdoor refreshment areas.

#### **SUPPORT**

Primary Sponsor: Hala S. Ayala

Summary: Alcoholic beverage control; local outdoor refreshment areas. Defines "outdoor refreshment area" and permits the governing body of any locality in the Commonwealth to designate, by ordinance, up to three outdoor refreshment areas within such locality. The bill provides that such ordinance would permit the consumption of alcoholic beverages within the outdoor refreshment area, provided that such alcoholic beverages are purchased from a permanent retail on-premises licensee located within such designated area and are contained in disposable containers with a maximum capacity of no more than 16 fluid ounces that clearly display the selling licensee's name or logo. The bill requires the locality, prior to adopting such an ordinance, to create a public safety plan for each outdoor refreshment area.

## **BEHAVIORAL HEALTH**

[HB1874](#) Behavioral health; assessments in local correctional facilities.

**WATCH** *principle*, fiscal impact

Primary Sponsor: Carrie E. Coyner

Summary: Behavioral health assessments in local correctional facilities. Provides that the State Board of Local and Regional Jails, in establishing the minimum standards for behavioral health services in local correctional facilities, shall include a requirement that if a behavioral health screening indicates that the person may have a mental illness, an assessment of his need for mental health services shall be conducted within 72 hours of the time of the screening.

**SB1176** Department of Behavioral Health and Developmental Services; barrier crimes.

#### **WATCH**

Primary Sponsor: Frank M. Ruff, Jr.

Summary: Department of Behavioral Health and Developmental Services; barrier crimes. Amends the current barrier crimes requirements for the Department of Behavioral Health and Developmental Services (the Department) to provide that the Department, community services boards, and licensed providers shall not hire for compensated employment at a state facility, permit to be hired as a private provider, approve as a sponsored residential service provider, or permit to enter into a shared living arrangement with a person receiving medical assistance services any person who has been convicted of any offense set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02 (i) within the 10 years prior to the application date for employment, and may hire a person who has been convicted of such offenses more than 10 years prior only if he has not been convicted of any other crime or suffered from drug addiction or alcohol abuse within the 10 years prior to the application date for employment, or (ii) if such person continues on probation or parole or has failed to pay required court costs for such offenses set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02. Under current law, with some exceptions, the Department, community services boards, and licensed providers shall not hire for compensated employment persons who have been convicted of any offense set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02.

#### **BROADBAND**

**SB1334** Broadband capacity; expands existing pilot program, municipal broadband authorities.

#### **SUPPORT**

Primary Sponsor: John S. Edwards

Summary: Pilot program for broadband capacity; municipal broadband authorities. Expands the existing broadband pilot program to allow for the participation of municipalities and government-owned broadband authorities in order to provide broadband service to unserved areas of the Commonwealth.

## **BUILDING STANDARDS**

[HB2001](#) State and local buildings, certain; building standards.

### **WATCH**

Primary Sponsor: Dan I. Helmer

Summary: Building standards for certain state and local buildings. Requires that any executive branch agency or institution or locality entering the design phase for the construction of a new building greater than 5,000 gross square feet in size or the renovation of a building where the cost of the renovation exceeds 50 percent of the value of the building ensure that such building has sufficient electric vehicle charging infrastructure, defined in the bill, and has features that permit the agency or institution to track the building's energy efficiency and carbon emissions. The bill authorizes the Director of the Department of General Services to grant exemptions to such standards, in writing and with certain terms. The bill requires agencies to annually report to the Governor the energy efficiency and carbon emissions metrics for each such building built or renovated.

The bill requires localities to design such building projects according to the same standards. The bill requires that any exemption from the standards granted by resolution of the governing body of a locality be made in writing and explain the basis for granting the exemption.

## **CHILD CARE**

[HB2086](#) Child care providers; background checks, portability.

### **WATCH**

Primary Sponsor: John J. McGuire, III

Summary: Child care providers; background checks; portability. Exempts prospective employees and volunteers of certain child welfare agencies from statutory background check requirements where the individual completed a background check within the previous five years, provided that (i) such background check was conducted after July 1, 2017; (ii) the results of such background check indicated that the individual had not been convicted of any barrier crime and was not the subject of a founded complaint of child abuse or neglect; and (iii) the individual is an employee or volunteer of any child welfare agency that is subject to background check requirements or has been separated from such employment or volunteer position for not more than 180 days. The bill requires such child welfare agencies, prior to hiring or allowing to volunteer any individual without the completion of a background check, to obtain written certification from the Department of Education that such individual satisfies all such requirements and is eligible to serve as an employee or volunteer at the child welfare agency.

[HB2191](#) Social services, local department of; location of child in local department's custody.

### **OPPOSE**

Primary Sponsor: James A. "Jay" Leftwich

Summary: Local department of social services; location of child in local department's custody. Provides that the local department of social services shall disclose to the parents of a child in the local department's custody the location of the child, unless the local department finds that such disclosure is not in the best interests of the child.

[SB1316](#) Child care providers; background check portability, subsidy pilot program, report.

### **SUPPORT**

Primary Sponsor: Jennifer L. McClellan

Summary: Child care providers; background check portability; subsidy pilot program; report. Exempts prospective employees and volunteers of certain child care providers from statutory background check requirements where the individual completed a background check within the previous five years, provided that (i) such background check was conducted after July 1, 2017; (ii) the results of such background check indicated that the individual had not been convicted of any barrier crime and was not the subject of a founded complaint of child abuse or neglect; and (iii) the individual is an employee or volunteer of a child care provider that is subject to background check requirements or has been separated from such employment or volunteer position for not more than 180 days. The bill requires such child care providers, prior to hiring or allowing to volunteer any individual without the completion of a background check, to obtain written certification that such individual satisfies all such requirements and is eligible to serve as an employee or volunteer. The bill also directs the Department of Education (the Department) to establish a two-year pilot program for the purpose of stabilizing and improving the quality of services provided in the Commonwealth's child care industry. The bill provides that under the pilot program a fixed sum of funds, based on the number of children served and certain other factors, will be disbursed to participating child care providers who agree to meet higher standards of quality and care, as determined by the Department. The bill requires the Department to report to the Governor and the General Assembly no later than December 1 of each year of the pilot program certain information set forth in the bill. The bill also requires the Department, in collaboration with the School Readiness Committee, to (a) identify and analyze financing strategies that can be used to support the systemic costs of high-quality child care services, ensure equitable compensation for child care staff, and better prepare children for kindergarten and (b) analyze the effectiveness of using a cost-of-quality modeling system for the child care subsidy program. The bill requires the Department to report its findings to the Governor and the General Assembly no later than December 1, 2021.

## **CONSTITUTIONAL AMENDMENTS**

[HJ539](#) Constitutional amendment; removes same-sex marriage prohibition.

### **SUPPORT** *principle*

Primary Sponsor: Mark H. Levine

Summary: Constitutional amendment (first reference); marriage; repeal of same-sex marriage prohibition; recognition of same-sex marriages. Repeals the constitutional provision defining marriage as only a union between one man and one woman, as well as the related provisions that are no longer valid as a result of the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. 644 (2015). The amendment provides that the Commonwealth and its political subdivisions and its agents are required to issue marriage licenses, recognize marriages, and treat all marriages equally under the law, regardless of the gender of the two parties to the marriage. The amendment further provides that religious organizations and clergy acting in their religious capacity have the right to refuse to perform any marriage.

**[HJ546](#) Constitutional amendment (first reference); franchise and officers; felon disenfranchisement.**  
**SUPPORT**

Primary Sponsor: Jerrauld C. "Jay" Jones

Summary: Constitutional amendment (first reference); franchise and officers; felon disenfranchisement; automatic restoration of political rights. Provides that no person who has been convicted of a felony shall be qualified to vote until the completion of his sentence of imprisonment or active supervision, at which time, without further action required of him, his political rights, including the right to vote, shall be restored. A person convicted of a felony may also have his civil rights restored by the Governor or other appropriate authority.

**[HJ557](#) Constitutional amendment (first reference); marriage.**

**SUPPORT** *principle*

Primary Sponsor: Alfonso H. Lopez

Summary: Constitutional amendment (first reference); marriage. Proposes the repeal of the constitutional amendment dealing with marriage that was approved by referendum at the November 2006 election. That amendment to the Bill of Rights (i) defines marriage as "only a union between one man and one woman"; (ii) prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage"; and (iii) prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage." The provisions of this section of the Constitution of Virginia are no longer valid as a result of the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. 644 (2015).

**[HJ582](#) Constitutional amendment (first reference); marriage; repeal of same-sex marriage prohibition.**

**SUPPORT** *principle*

Primary Sponsor: Mark D. Sickles

Summary: Constitutional amendment (first reference); marriage; repeal of same-sex marriage prohibition; affirmative right to marry. Repeals the constitutional provision defining marriage as only a union between one man and one woman as well as the related provisions that are no longer valid as

a result of the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. 644 (2015). The amendment provides that the right to marry is a fundamental right inherent in the liberty of persons and requires the Commonwealth and its political subdivisions and agents to issue marriage licenses, recognize marriages, and treat all marriages equally under the law, regardless of the sex or gender of the parties to the marriage. Religious organizations and clergy acting in their religious capacity have the right to refuse to perform any marriage.

## **COURTS**

[HB1821](#) Experiencing or reporting overdoses; prohibits arrest and prosecution.

**SUPPORT** *principle*

Primary Sponsor: David L. Bulova

Summary: Arrest and prosecution when experiencing or reporting overdoses. Prohibits the arrest or prosecution of an individual for the unlawful purchase, possession, or consumption of alcohol, possession of a controlled substance, possession of marijuana, intoxication in public, or possession of controlled paraphernalia if (i) such individual, in good faith, renders emergency care or assistance, including cardiopulmonary resuscitation (CPR) or the administration of naloxone or other opioid antagonist for overdose reversal, to an individual experiencing an overdose while another individual seeks or obtains emergency medical attention; (ii) such individual remains at the scene of the overdose or at any location to which he or the individual requiring emergency medical attention has been transported; (iii) such individual identifies himself to the law-enforcement officer who responds; and (iv) the evidence for a prosecution of one of the enumerated offenses would have been obtained only as a result of the individual's rendering emergency care or assistance.

Current law prohibits arrest or prosecution for such offenses only to an individual who seeks or obtains emergency medical attention for himself or another individual or who is experiencing an overdose when another individual seeks or obtains emergency medical attention for him.

[HB1866](#) Court-appointed special advocates; information sharing.

**WATCH** *principle*

Primary Sponsor: Karrie K. Delaney

Summary: Court-appointed special advocates; information sharing. Permits court-appointed special advocates to participate in and share information with family partnership meetings and in meetings of family assessment and planning teams, multidisciplinary child sexual abuse response teams, individualized education program teams, and multidisciplinary teams related to child abuse.

[HB2017](#) Juvenile offenders; authorizes any jurisdiction to establish a youth court program.

**SUPPORT**

Primary Sponsor: Michael P. Mullin

Summary: Juvenile offenders; youth court programs. Authorizes any jurisdiction to establish a youth court program, defined in the bill as a diversionary program that (i) is monitored by a local youth court program advisory committee; (ii) uses juvenile volunteers as lawyers, jurors, and other court personnel; (iii) uses volunteer attorneys or judicial officers as judges; (iv) conducts peer trials, subject to the juvenile and domestic relations court's jurisdiction, of juveniles who are assigned to the program by the court; and (v) imposes various sentences emphasizing restitution, rehabilitation, accountability, competency building, and education, but not incarceration. The bill provides that a jurisdiction may establish a youth court program upon establishment of a local youth court advisory committee and approval of the youth court program by the juvenile and domestic relations court that serves such jurisdiction. The bill requires each local youth court program advisory committee to establish criteria for the eligibility and participation of juveniles who have committed nonviolent offenses in the youth court program as well as policies and procedures for the operation of such program. The bill provides that whenever an intake officer takes informal action on a complaint alleging that a child is in need of services, in need of supervision, or delinquent, the intake officer may refer the juvenile to a youth court program.

**HB2151** Search warrants; daytime execution, exceptions.

**SUPPORT**

Primary Sponsor: Les R. Adams

Summary: Search warrants; daytime execution; exceptions. Provides an exception to the requirement that a search warrant be executed only in the daytime if, prior to the issuance of the search warrant, law-enforcement officers lawfully entered and secured the place to be searched and subsequently have remained at such place continuously. The bill provides that such search warrant may be executed at any time of day without authorization from a judge or magistrate. The bill also allows a law-enforcement officer to seek authorization from a magistrate to execute a search warrant at a time other than daytime without first having to make reasonable efforts to locate a judge if such search warrant was issued after 5 p.m.

**SB1206** Confidentiality of juvenile court records; exceptions.

**SUPPORT** *priority*

Primary Sponsor: George L. Barker

Summary: Confidentiality of juvenile court records; exceptions. Provides that juvenile case files shall be open for inspection by (i) the Department of Social Services or any local department of social services that is providing services or care for, or has accepted a referral for investigation and the provision of services pursuant to a request for relief of custody regarding, a juvenile who is the subject of the record for (a) a purpose relevant to the provision of the services or care or (b) the purpose of conducting an investigation or family assessment of child abuse or neglect involving the juvenile who is the subject of the record and (ii) the Department of Behavioral Health and Developmental Services or any local community services board that is providing treatment, services,

or care for a juvenile who is the subject of the record for a purpose relevant to the provision of the treatment, services, or care.

## **ELECTRONIC PUBLIC MEETINGS**

[HB1931](#) Virginia Freedom of Information Act; public body authorized to conduct electronic meetings.

**SUPPORT** *priority*

Primary Sponsor: Mark H. Levine

Summary: Virginia Freedom of Information Act; electronic meetings. Authorizes a public body to conduct through electronic communication means a meeting for which, on or before the day of the meeting, a member of the public body holding the meeting notifies the chair that such member is unable to attend the meeting due to a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance. The bill also clarifies that participation in an electronic meeting by a member of a public body due to the inability to attend because of a personal matter is limited each calendar year to two such meetings, which is current law, or 25 percent of the meetings held that calendar year rounded up to the next whole number, whichever is greater. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

[HB1997](#) Virginia Freedom of Information Act; definition of 'meeting'.

**WATCH**

Primary Sponsor: Kathleen Murphy

Summary: Virginia Freedom of Information Act; definition of "meeting." Increases from three to four the number of members of a public body meeting as an informal assemblage that constitutes a meeting under the Virginia Freedom of Information Act.

[SB1271](#) Virginia Freedom of Information Act; meetings held through electronic communication means.

**SUPPORT** *priority*

Primary Sponsor: Jeremy S. McPike

Summary: Virginia Freedom of Information Act; meetings held through electronic communication means during a state of emergency. Allows a public body, or a joint meeting thereof, to meet by electronic communication means without a quorum of the public body physically assembled at one location when a locality in which the public body is located has declared a local state of emergency, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities. Under current law, public bodies may only meet in such manner when the Governor has declared a state of emergency, and only for the purpose of addressing the emergency. Finally,

the bill requires public bodies meeting through electronic communication means during a local or state declaration of a state of emergency to (a) make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the public body, and (b) provide the public with the opportunity to comment at such meetings when public comment is customarily received.

## **EMPLOYER/EMPLOYEE**

[HB1864](#) Virginia Human Rights Act; expands definition of employer.

### **SUPPORT**

Primary Sponsor: Marcia S. "Cia" Price

Summary: Virginia Human Rights Act; definition of employer; person employing one or more domestic workers. Expands the definition of "employer" for all purposes of the Virginia Human Rights Act to include a person employing one or more domestic workers, as defined in the bill.

[HB2045](#) Civil action for deprivation of rights; duties and liabilities of certain employers.

### **WATCH** *priority*

Primary Sponsor: Jeffrey M. Bourne

Summary: Civil action for deprivation of rights; duties and liabilities of certain employers in employing or contracting for the services of law-enforcement officers. Creates a civil action for the deprivation of a person's rights by a law-enforcement officer and provides that a plaintiff may be awarded compensatory damages, punitive damages, and equitable relief as well as reasonable attorney fees and costs. The bill provides that sovereign immunity and limitations on liability or damages shall not apply to such actions and that qualified immunity is not a defense to liability for such deprivation of rights. Finally, the bill provides that any public or private entity that employs or contracts for the services of a law-enforcement officer owes a duty of reasonable care to third parties in its hiring, supervision, training, retention, and use of such officers under its employment or contract.

[HB2155](#) Virginia Human Rights Act; nondiscrimination in employment, sexual and workplace harassment.

### **WATCH**

Primary Sponsor: Vivian E. Watts

Summary: Virginia Human Rights Act; nondiscrimination in employment; sexual harassment and workplace harassment. Clarifies, by defining sexual harassment and workplace harassment, what constitutes an unlawful employment practice if engaged in by an employer. The bill also provides (i) a nonexhaustive list of factors to consider when determining whether certain conduct constitutes workplace harassment; (ii) that a person claiming to be aggrieved by an unlawful discriminatory practice may file a written complaint with the Division of Human Rights within two years after the occurrence of the alleged unlawful discriminatory practice; and (iii) that an aggrieved person who has

been provided a notice of his right to file a civil action for such grievance may do so within one year of receiving such notice and may be awarded reasonable attorney fees, including costs and reasonable litigation expenses, if the court or jury finds in his favor. The bill also amends the definition of "employer" to mean a person employing five or more employees, instead of 15 or more employees under current law, for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person.

## ELECTIONS

[HB1883](#) Elections; preclearance of certain covered practices required.

### WATCH

Primary Sponsor: Schuyler T. VanValkenburg

Summary: Elections; preclearance of certain covered practices required. Requires the governing body of a covered jurisdiction, prior to enacting or seeking to administer any voting qualification or prerequisite to voting, or any standard, practice, or procedure with respect to voting, to either (i) institute an action in the Circuit Court of the City of Richmond for a declaratory judgment that the covered practice neither has the purpose or effect of denying or abridging the right to vote on account of race or color or membership in a language minority group nor will result in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise or (ii) submit such covered practice to the Office of the Attorney General for issuance of a certification of no objection. No covered practice can be given effect until the Circuit Court of the City of Richmond has entered such judgment or the Attorney General has issued such certification. The bill permits certain persons to institute an action to compel the governing body of a covered jurisdiction to institute an action in the Circuit Court of the City of Richmond or to seek issuance of a certification of no objection and provides for appeals by the governing body or certain persons to decisions made by the Attorney General. A covered jurisdiction is defined by the bill as any county or city that is determined by the Attorney General using annual American Community Survey data to have a voting age population that contains two or more racial or ethnic groups, each constituting at least 20 percent of its voting age population, but excludes any county or city that, on or after January 1, 2008, was exempt from the preclearance requirements of § 5 of the Voting Rights Act of 1965, as amended, pursuant to a declaratory jurisdiction issued by the United States District Court for the District of Columbia under § 4 of that Act.

[HB1888](#) Absentee voting; procedural and process reforms, availability and accessibility reforms, penalty.

### SUPPORT *principle*

Primary Sponsor: Schuyler T. VanValkenburg

Summary: Absentee voting; procedural and process reforms; availability and accessibility reforms; penalty. Makes various reforms to absentee voting processes and procedures, including those related

to availability and accessibility. The bill requires certain actions to be taken to process absentee ballots returned before the day of an election, including verifying the correct completion of the voter affirmation statement, and provides for an opportunity for an absentee voter to make corrections to the statement in certain circumstances. The bill requires the establishment of drop-off locations for the return of voted absentee ballots. Additionally, a central absentee voter precinct is required to be established in each locality; currently, establishment is optional. On the day of the election, officers of election are required to begin processing absentee ballots in the central absentee voter precincts prior to the close of polls, but no ballot vote counts are permitted to be transmitted outside of the central absentee voter precinct before the close of polls; a violation of such prohibition is a Class 1 misdemeanor. When reporting election results to the Department of Elections, the general registrars are required to report absentee ballots cast early in person separately from all other absentee ballots. Additionally, a voter who has applied for and received an absentee ballot may choose to instead vote at his polling place on election day, and such voter shall be entitled to cast a provisional ballot. The bill requires a ballot marking tool with screen reader assistive technology to be made available for absentee voters with a print disability. Restrictions on the availability of absentee voting for first-time voters who registered by mail are repealed. The bill contains technical amendments for organizational and readability purposes.

#### **HB1890** Discrimination; prohibited in voting and elections administration, etc.

##### **SUPPORT** *principle*

Primary Sponsor: Marcia S. "Cia" Price

Summary: Elections; prohibited discrimination in voting and elections administration; required process for enacting certain covered practices; civil causes of action. Prohibits any voting qualification or any standard, practice, or procedure related to voting from being imposed or applied in a manner that results in the denial or abridgment of the right of any United States citizen to vote based on his race or color or membership in a language minority group. The bill further prohibits at-large methods of election from being imposed or applied in a locality in a manner that impairs the ability of a protected class, defined in the bill, to elect candidates of its choice or to influence the outcome of an election, by diluting or abridging the rights of voters who are members of a protected class. Prior to enacting or administering a covered practice, defined in the bill, the governing body of a locality is required to publish the proposed covered practice and accept public comment for a minimum of 30 days on the proposed covered practice; after the public comment period, a 30-day waiting period is required. During this period, any person who will be subject to or affected by the covered practice may challenge the covered practice as (i) having the purpose or effect of denying or abridging the right to vote on the basis of race or color or membership in a language minority group or (ii) resulting in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise. The bill permits the local governing body to instead submit the proposed covered practice to the Office of the Attorney General for issuance of a certification of no objection and, once such certification is issued, to enact or administer the covered practice. Certain unlawful actions, including knowingly communicating false information to voters, that are currently

subject to criminal penalties will create civil causes of action under the bill. Current provisions related to language minority accessibility are moved to a newly created chapter relating to the rights of voters.

**HB1968** Absentee voting; availability on Sundays in office of general registrar or voter satellite office.

**SUPPORT** *principle*

Primary Sponsor: Lamont Bagby

Summary: Absentee voting; early in person; availability on Sundays. Permits the electoral board or general registrar of a county or city to provide absentee voting in person in the office of the general registrar or voter satellite office on Sundays.

**HB1970** Voter identification; identification containing a photograph required.

**OPPOSE**

Primary Sponsor: Mark L. Cole

Summary: Voter identification; identification containing a photograph required. Requires presentation of a form of identification containing a photograph in order to vote. The bill repeals the provisions of law permitting a voter who does not have one of the required forms of identification to vote after signing a statement, subject to felony penalties for false statements, that he is the named registered voter he claims to be. Instead, such voter would be entitled to cast a provisional ballot.

**HB2028** Absentee ballots; witness requirement; printed name and residence address.

**OPPOSE** *principle*

Primary Sponsor: Chris S. Runion

Summary: Absentee ballots; witness requirement; printed name and residence address. Requires that a witness to a voter's absentee ballot provide, in addition to his signature, his printed name and residence address.

**HB2081** Polling places; prohibited activities, unlawful possession of a firearm, penalty.

**WATCH** *principle*

Primary Sponsor: Mark H. Levine

Summary: Polling places; prohibited activities; unlawful possession of a firearm; penalty. Prohibits any person from knowingly possessing a firearm within 40 feet of any building, or part thereof, used as a polling place, including one hour before and one hour after its use as a polling place, except for (i) a qualified law-enforcement officer or retired law-enforcement officer, (ii) any person occupying his own private property that falls within 40 feet of the polling place, or (iii) a licensed armed security officer whose employment or performance of his duties occurs within 40 feet of the polling place. The bill further provides that no person shall knowingly possess a firearm within 40 feet of a meeting place for the local electoral board while the electoral board meets to ascertain the results of an election or any place used as the setting for a recount. A violation of the provisions of the bill is a Class 1 misdemeanor.

[HB2115](#) Absentee voting; definition of postmark; legibility requirement.

**WATCH**

Primary Sponsor: Margaret B. Ransone

Summary: Absentee voting; definition of postmark; legibility requirement. Requires an absentee ballot returned to the general registrar after the closing of the polls on election day to be legibly postmarked on or before the date of the election in order to be counted. Current law does not specify that the postmark must be legible. The bill defines postmark, for purposes of absentee ballots returned after the closing of the polls on election day, to mean (i) an official United States Postal Service imprint indicating the date of mailing or any other official indicia of the United States Postal Service used to identify the date of mailing or (ii) the mailing confirmation data of a commercial delivery service.

~~[HB2153](#) Curbside voting; right to observe ballot deposited into ballot scanner machine or ballot container.~~

~~**WATCH**~~

~~Primary Sponsor: Les R. Adams~~

~~Summary: Assistance to certain voters; curbside voting; right to observe ballot deposited into ballot scanner machine or ballot container. Provides that, upon the request of the voter, a curbside voter shall be permitted to enter the polling place after marking his ballot in order to observe his ballot being deposited into the ballot container or ballot scanner machine.~~

[HB2239](#) Absentee voting; ballots to be processed before election day and sorted and counted.

**WATCH**

Primary Sponsor: Roxann L. Robinson

Summary: Elections; absentee voting; ballots to be processed before election day and sorted and counted by precinct. Requires certain actions to be taken to process absentee ballots that are returned by mail before election day. The general registrar is required to examine the ballot envelopes to verify completion of the required voter affirmation; mark the pollbook, or the absentee voter applicant list if the pollbook is not available, that the voter has voted; and open the sealed ballot envelopes and insert the ballots in optical scan counting equipment or other secure ballot container without initiating any ballot count totals. Current law requires only that the general registrar undertake at least one such activity before election day. So that ballots can be separated from ballot envelopes and scanned, the bill requires that the office of the general registrar be used as a central absentee voter precinct. The bill requires that absentee ballots processed at any central absentee voter precinct be sorted by the precinct to which the voter who cast the absentee ballot is assigned and that the resulting vote totals from such ballots be reported separately for each voter precinct.

[SB1153](#) Elections; absentee voting; ballots to be sorted and results to be reported by precinct.

**SUPPORT** *fiscal impact*

Primary Sponsor: David R. Suetterlein

Summary: Elections; absentee voting; ballots to be sorted and results to be reported by precinct. Provides that absentee ballots processed at a central absentee precinct must be sorted by the precinct to which the voter who cast the absentee ballot is assigned and that the resulting vote totals from such ballots must be reported separately for each voter precinct.

**SB1157** [Shifting municipal elections to November.](#)

**SUPPORT**

Primary Sponsor: Lionell Spruill, Sr.

Summary: Shifting municipal elections to November. Shifts all municipal elections for city and town council and school board from May to November, beginning with elections held after January 1, 2022.

**SB1239** [Absentee voting; third-party absentee ballot assembly and distribution.](#)

**SUPPORT**

Primary Sponsor: John J. Bell

Summary: Absentee voting; third-party absentee ballot assembly and distribution. Permits a general registrar to contract with a third party for the printing, assembly, and mailing of absentee ballots. The bill directs the State Board of Elections to adopt emergency regulations to implement the provisions of the bill and for those regulations to include processes to ensure secure and timely delivery of voter information to contractors and reports of mailed absentee ballots from contractors.

**SB1245** [Absentee voting; establishment of drop-off locations, ballot defects, cure process.](#)

**SUPPORT**

Primary Sponsor: R. Creigh Deeds

Summary: Absentee voting; establishment of drop-off locations; ballot defects; cure process. Requires the establishment of a drop-off location for the return of marked absentee ballots at the office of the general registrar and each voter satellite office. On the day of any election, a drop-off location shall be available at each polling place in operation for such election. The bill allows the general registrar of any county or city to establish additional drop-off locations within the county or city as he deems necessary. The Department of Elections is required to set standards related to the establishment and operation of drop-off locations, including security requirements. The bill also requires general registrars to take certain actions to preprocess absentee ballots returned before election day and to notify an absentee voter of any errors or issues with the completion or return of his absentee ballot that would render the ballot void. The general registrars are required to enter into the voter's record in the registration system that the voter's absentee ballot has an issue requiring correction and to notify the voter in writing or by email of the error or failure, in addition to providing information on how to correct the issue. The absentee voter then has until noon on the third day following the election to make necessary corrections so that his ballot may be counted. This ballot cure process applies only to those absentee ballots received by the Friday immediately preceding the day of the election. The bill contains technical amendments for organizational purposes.

[SB1246](#) Absentee voting; mandatory processing of returned absentee ballots before election day.

**WATCH**

Primary Sponsor: R. Creigh Deeds

Summary: Absentee voting; mandatory processing of returned absentee ballots before election day; central absentee voter precinct in the office of the general registrar. Requires certain actions to be taken to process absentee ballots that are returned by mail before election day. The general registrar is required to examine the ballot envelopes to verify completion of the required voter affirmation; mark the pollbook, or the absentee voter applicant list if the pollbook is not available, that the voter has voted; and open the sealed ballot envelopes and insert the ballots in optical scan counting equipment or other secure ballot container without initiating any ballot count totals. Under current law, it is only required that the general registrar undertake at least one such activity before election day. To facilitate this preprocessing, the bill requires a central absentee voter precinct to be established in the office of the general registrar. Additional central absentee voter precincts may be established at the discretion of the governing body.

[SB1331](#) Absentee voting; accessibility for voters with a visual impairment or print disability.

**SUPPORT**

Primary Sponsor: Bryce E. Reeves

Summary: Absentee voting; accessibility for voters with a visual impairment or print disability. Requires the Department of Elections to make available to all localities a tool to allow voters with a visual impairment or print disability to electronically and accessibly receive and mark his absentee ballot using screen reader assistive technology. On receipt of an application for an absentee ballot from an applicant who indicates that he will require assistance due to a visual impairment or print disability, the general registrar is required to offer to provide to the applicant the ballot marking tool with screen reader assistive technology.

[SB1376](#) Absentee voting; processing of absentee ballots before election day.

**SUPPORT** *priority*

Primary Sponsor: Richard L. Saslaw

Summary: Absentee voting; processing of absentee ballots before election day; reporting of absentee ballot vote totals; central absentee voter precincts. Requires certain actions to be taken to process absentee ballots returned before the day of the election, including opening sealed ballot envelopes and inserting the ballot into a ballot container or counting machine. The bill requires the establishment of a central absentee voter precinct in each locality; currently, establishment is optional. On the day of the election, officers of election are required to begin processing absentee ballots in the central absentee voter precincts prior to the close of the polls but that no ballot vote counts are permitted to be transmitted outside of the central absentee voter precinct before the close of the polls; a violation of such prohibition is a Class 1 misdemeanor. When reporting election results to the Department of Elections, the general registrars are required to report absentee ballots cast early in person

separately from all other absentee ballots. The bill contains technical amendments for organizational and readability purposes.

**SB1376** Absentee voting; processing of absentee ballots before election day.

**SUPPORT** *priority*

Primary Sponsor: Richard L. Saslaw

Summary: Absentee voting; processing of absentee ballots before election day; reporting of absentee ballot vote totals; central absentee voter precincts. Requires certain actions to be taken to process absentee ballots returned before the day of the election, including opening sealed ballot envelopes and inserting the ballot into a ballot container or counting machine. The bill requires the establishment of a central absentee voter precinct in each locality; currently, establishment is optional. On the day of the election, officers of election are required to begin processing absentee ballots in the central absentee voter precincts prior to the close of the polls but that no ballot vote counts are permitted to be transmitted outside of the central absentee voter precinct before the close of the polls; a violation of such prohibition is a Class 1 misdemeanor. When reporting election results to the Department of Elections, the general registrars are required to report absentee ballots cast early in person separately from all other absentee ballots. The bill contains technical amendments for organizational and readability purposes.

## **ENERGY (CLEAN)**

**HB1859** Clean energy and other programs; local financing when owner costs are incurred.

**SUPPORT**

Primary Sponsor: Nancy D. Guy

Summary: Local financing of clean energy and other programs; when owner costs are incurred. Changes the parameters for local ordinances authorizing loan contracts for the installation by property owners of clean energy, resiliency, or stormwater management improvements. The bill provides that if the property owner incurred the costs of improvements to be refinanced or reimbursed within the two years prior to the closing date of the financing, the loan amount may include the total costs of the improvements to be refinanced or reimbursed. The bill removes the requirement that the applicable local ordinance include the proposed interest rate for the loan program and the maximum aggregate dollar amount that may be financed with respect to a property, and it provides that no loan offered under the program shall be used to improve a residential dwelling that contains fewer than five dwelling units or a residential condominium. The bill alters the fee options available to the locality and provides that the placement of a voluntary special assessment lien does not require a new assessment of the value of the real property. The bill contains technical amendments.

[HB1937](#) Green New Deal Act; establishes a moratorium, effective January 1, 2022, etc.

**WATCH** *principle*

Primary Sponsor: Sam Rasoul

Summary: Green New Deal Act. Establishes a moratorium, effective January 1, 2022, on approval by any state agency or political subdivision of any approval required for (i) electric generating facilities that generate fossil fuel energy through the combustion of a fossil fuel resource; (ii) import or export terminals for fossil fuel resources; (iii) certain maintenance activities relating to an import or export terminal for a fossil fuel resource; (iv) gathering lines or pipelines for the transport of any fossil fuel resource that require the use of eminent domain on private property; (v) certain maintenance activities relating to such gathering lines or pipelines; (vi) refineries of a fossil fuel resource; and (vii) exploration for any type of fossil fuel, unless preempted by applicable federal law. The measure also requires that at least 80 percent of the electricity sold by a retail electric supplier in calendar years 2028 through 2035 be generated from clean energy resources. In calendar year 2036 and every calendar year thereafter, 100 percent of the electricity sold by a retail electric supplier is required to be generated from clean energy resources. The clean energy mandates apply to a public utility or other person that sells not less than 1,000 megawatt hours of electric energy to retail customers or generates not less than 1,000 megawatt hours of electric energy for use by the person. The Director of the Department of Mines, Minerals and Energy is authorized to bring actions for injunctions to enforce these requirements. The measure requires the Department to adopt a Climate Action Plan that addresses all aspects of climate change, including mitigation, adaptation, resiliency, and assistance in the transition from current energy sources to clean renewable energy. The measure provides that any retail electric supplier that fails to meet any goal or benchmark is liable for a civil penalty equal to twice the cost of the financial investment necessary to meet such goal or mandate that was not achieved, or three times the cost of the financial investment necessary to meet such goal or benchmark that was not achieved if not met in an environmental justice community.

The measure provides that it is the goal of the Commonwealth to achieve a 36 percent reduction in electric energy consumption in buildings by 2036. The measure requires the Department, in coordination with the Virginia Council on Environmental Justice (Council) to establish performance benchmarks for environmental justice communities and to establish programs for jobs for people in environmental justice communities. The measure requires the Council to develop and make available to each state agency training modules designed to facilitate the promotion of environmental justice. The measure requires the Department to establish the Transitioning Workers Program (the Program) to provide support for workers in the fossil fuel industry and affected communities and provide such workers job training, relocation support, income and benefit support, and early retirement benefits. The measure provides for funding such program by 20 percent of the revenue generated by the allowance auction established by the Director of the Department of Environmental Quality. The measure prohibits the Commission from approving construction of any new utility-owned generating facilities that emit carbon dioxide as a by-product of combusting fuel to generate electricity. The measure requires that all utility costs associated with the construction of, acquisition of, or agreements to purchase the energy, capacity, and environmental attributes of certain required

generation and storage facilities are recovered through the utility's rates for generation and distribution services.

The measure requires that under the renewable energy portfolio standard program, Dominion Energy Virginia and American Electric Power be required to produce their electricity from 80 percent renewable sources by 2028 and 100 percent by 2036. The measure increases the incremental energy efficiency savings that each investor-owned incumbent electric utility is required to achieve that start in 2022 at 2.4 percent for American Electric Power and Dominion Energy Virginia of the average annual energy retail sales by that utility in 2020 and increases those savings annually.

#### **HB1965** State Air Pollution Control Board; low-emissions and zero-emissions vehicle program.

##### **SUPPORT** *principle*

Primary Sponsor: Lamont Bagby

Summary: State Air Pollution Control Board; low-emissions and zero-emissions vehicle program.

Directs the State Air Pollution Control Board to implement a low-emissions and zero-emissions vehicle program for motor vehicles with a model year of 2025 and later. Regulations adopted by the Board to implement the program are exempt from the Administrative Process Act and shall not become effective prior to January 1, 2024.

#### **HB2269** Solar energy; revenue share for projects.

##### **SUPPORT**

Primary Sponsor: Steve E. Heretick

Summary: Revenue share for solar energy projects. Provides that every five years the maximum amount of the revenue share that a locality may impose on certain solar energy projects shall be adjusted by the percentage by which the Consumer Price Index for All Urban Consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, for the most recent calendar year exceeds the CPI-U published at the close of the 12-month period ending on December 31, 2020. The bill also provides that the locality may substitute the Marshall and Swift Building Cost Index, or any successor index, for the CPI-U in its calculation of the adjustment.

#### **HB2282** State Corporation Commission; transportation electrification, utility recovery of certain costs.

##### **SUPPORT** *priority*

Primary Sponsor: Richard C. "Rip" Sullivan, Jr.

Summary: State Corporation Commission; transportation electrification; utility recovery of certain costs; report. Directs the State Corporation Commission (Commission) to report on policy proposals to accelerate transportation electrification in the Commonwealth. The bill requires the Commission to submit, no later than May 1, 2022, a report to the General Assembly recommending policy proposals that could govern public electric utility programs to accelerate widespread transportation electrification in the Commonwealth. The bill requires the Commission to utilize a public process, facilitated by a third party with expertise in transportation electrification, in which the Commission, the Department of Environmental Quality, the Department of Mines, Minerals and Energy, the Department of

Transportation, and appropriate stakeholders participate. The bill requires that the Commission, in developing its policy recommendations, evaluate (i) areas where utility or other public investment may best complement private efforts to effectively deploy charging infrastructure, with particular focus on low-income, minority, and rural communities; (ii) how smart growth policies can complement and enhance the Commonwealth's transportation electrification goals; (iii) how utility programs, investments, or incentives to customers or third parties to facilitate the deployment of charging infrastructure and related upgrades can support or enhance (a) statewide transportation electrification, including electrification of public transit; (b) the electrification of medium-duty and heavy-duty vehicles, school buses, vehicles at ports and airports, personal vehicles, and vehicle fleets; (c) increased access to electric transportation and improved air quality in low-income and medium-income communities; (d) achievement of existing energy storage targets; (e) improvements to the distribution grid or to specific sites necessary to accommodate charging infrastructure; and (f) customer education and outreach programs that increase awareness of such programs and the benefits of transportation electrification. The bill requires that the report also address whether and how transportation electrification can, under current law, (a) reduce total ratepayer rates and costs; (b) assist in grid management and more efficient use of the grid, in a manner that does not increase peak demand, through time-of-use rates, managed charging programs, vehicle-to-grid programs, or other alternative rate designs; (c) utilize increased generation from renewable energy resources; and (d) reduce fueling costs for vehicles. The bill requires that, to the extent that the Commission and stakeholders conclude that transportation electrification cannot currently deliver these benefits, the report include public policy recommendations.

Additionally, the bill requires, beginning July 1, 2021, that any approved costs of any investor-owned electric utility associated with investment in transportation electrification be recovered only through the utility's rates for generation and distribution, prohibits recovery of such costs through a rate adjustment clause, and provides that such costs are not eligible for a customer credit reinvestment offset.

### **SB1380 Electric utilities; electric school bus projects.**

#### **WATCH**

Primary Sponsor: L. Louise Lucas

Summary: Electric utilities; electric school bus projects; report. Authorizes electric utilities to partner with school divisions to implement projects designed to encourage the proliferation of school buses that are fueled in whole or in part by electricity, along with associated charging and other infrastructure, for the purpose of transporting students and that may also serve as electric grid stabilization or peak-shaving resources. The bill provides that if an electric school bus project meets the requirements in the bill, then it is in the public interest and may constitute an energy storage resource. The bill requires an electric school bus project and its corresponding agreement to include a provision to compensate a participating school division for the use of the school bus battery by the electric utility as a grid stabilizing or peak-shaving resource and a provision that the electric school buses shall be titled under the participating school division, but the utility shall own the associated

batteries and charging stations. The bill also provides a tax exemption for electric school buses and associated charging and other infrastructure that is related or incidental to an authorized electric school bus project.

## **ENERGY CONSERVATION**

[\*\*HB2227\*\*](#) Uniform Statewide Building Code; amendments, energy efficiency and conservation.

**SUPPORT** *priority*

Primary Sponsor: Kaye Kory

Summary: Uniform Statewide Building Code; amendments; energy efficiency and conservation.

Requires the Board of Housing and Community Development to adopt amendments to the Uniform Statewide Building Code within one year of publication of a new version of the International Code Council's International Energy Conservation Code (IECC) to address changes related to energy efficiency and conservation. The bill requires the Board to adopt Building Code standards that are at least as stringent as those contained in the new version of the IECC.

[\*\*SB1224\*\*](#) Uniform Statewide Building Code; amendments, energy efficiency and conservation.

**SUPPORT** *priority*

Primary Sponsor: Jennifer B. Boysko

Summary: Uniform Statewide Building Code; amendments; energy efficiency and conservation.

Requires the Board of Housing and Community Development to adopt amendments to the Uniform Statewide Building Code within one year of publication of a new version of the International Code Council's International Energy Conservation Code (IECC) to address changes related to energy efficiency and conservation. The bill requires the Board to adopt Building Code standards that are at least as stringent as those contained in the new version of the IECC.

## **ENERGY (RENEWABLE)**

[\*\*HB2148\*\*](#) Small renewable energy projects; energy storage.

**SUPPORT**

Primary Sponsor: Rodney T. Willett

Summary: Small renewable energy projects; energy storage. Includes in the definition of a "small renewable energy project" certain energy storage facilities and projects that include storage facility components. Such facilities are eligible for special permitting, review, and inspection requirements. The bill directs the Department of Environmental Quality to promulgate initial regulations to implement the provisions of the bill by January 1, 2022.

[HB2265](#) Electric utilities; development of renewable energy facilities.

### **OPPOSE**

Primary Sponsor: Nicholas J. Freitas

Summary: Regulation of electric utilities; development of renewable energy facilities; powers of Air Pollution Control Board; powers of State Corporation Commission. Repeals provisions (i) requiring the Air Pollution Control Board to adopt regulations to reduce carbon dioxide emissions from any electricity generating unit in the Commonwealth and authorizing the Board to establish an auction program for energy allowances; (ii) prohibiting the State Corporation Commission from approving any new utility-owned generation facilities that emit carbon dioxide as a by-product of energy generation, in certain circumstances; (iii) declaring that statutory allowances for energy derived from sunlight, onshore wind, offshore wind, and storage facilities are in the public interest; and (iv) relating to the development of solar and wind generation and energy storage capacity, development of offshore wind capacity, and generation of electricity from renewable and zero carbon sources. The bill provides that planning and development activities for new nuclear generation facilities are in the public interest.

## **ENVIRONMENT**

[HB1982](#) Nutrient credits; use by facility with certain stormwater discharge permit.

### **SUPPORT**

Primary Sponsor: David L. Bulova

Summary: Nutrient credits; use by facility with certain stormwater discharge permit. Authorizes a facility that has been issued a Virginia Pollution Discharge Elimination System (VPDES) permit regulating stormwater discharges to acquire, use, and transfer nutrient credits for compliance with any waste load allocation established as an effluent limitation in its VPDES permit so long as the credits meet several requirements. Current law allows only a facility registered under the Industrial Stormwater General Permit to use nutrient credits for such purpose.

[HB1983](#) Wetland and stream mitigation banks; proximity of impacted site.

### **WATCH**

Primary Sponsor: David L. Bulova

Summary: Wetland and stream mitigation banks; proximity of impacted site. Provides that when a water protection permit applicant is required to purchase wetland or stream mitigation bank credits but no credits are available (i) in any mitigation provider's primary service area or (ii) at a cost of less than 200 percent of the price of credits available from a fund dedicated to achieving no net loss of wetland acreage and functions, the applicant may purchase or use credits from a mitigation provider's secondary service area. The bill provides certain requirements that the permit applicant must comply with in order to purchase or use such credits from a secondary service area, including minimum tree canopy requirements.

**HB2074** Environmental justice; interagency working group.

**SUPPORT** *priority*

Primary Sponsor: Shelly A. Simonds

Summary: Environmental justice; interagency working group. Establishes the Interagency Environmental Justice Working Group as an advisory council in the executive branch of state government to further environmental justice in the Commonwealth and directs each of the Governor's Secretaries to designate at least one environmental justice coordinator to represent the secretariat as a member of the Working Group. The bill directs the Working Group to focus its work during its first year on the environmental justice of current air quality monitoring practices in Virginia and provides that the Working Group shall expire on July 1, 2031.

The bill directs each state agency, no later than October 1, 2021, to adopt an agency-specific environmental justice policy that requires an evaluation of the environmental justice consequences of any covered agency action, requires a consideration of the environmental justice consequences or cumulative impacts of the administration of regulations, and contains other features, including robust public participation plans for residents of environmental justice communities and fenceline communities potentially affected by a covered agency action.

The bill prohibits the issuance of a permit for any covered activity, including construction of an electric generating facility or sanitary landfill, until the applicant has submitted and the permitting authority has approved a public involvement plan, a cumulative impact statement, and an environmental justice impact statement, if applicable. The bill requires the permitting authority to deny the application or approve it with or without conditions.

Finally, the bill requires each local government adopting or reviewing a comprehensive plan to also adopt an environmental justice strategy.

**HB2129** Chesapeake Bay; wastewater treatment, Enhanced Nutrient Removal Certainty Program established.

**WATCH**

Primary Sponsor: Alfonso H. Lopez

Summary: Chesapeake Bay; wastewater treatment; Enhanced Nutrient Removal Certainty Program. Requires the State Water Control Board to adopt by June 30, 2022, regulations establishing a Phase III Watershed Implementation Plan Enhanced Nutrient Removal Certainty Program (ENRC Program), consisting of a number of total nitrogen and total phosphorous waste load allocation reductions assigned to particular water treatment facilities with schedules for compliance. The bill provides that the ENRC Program shall operate in lieu of certain Chesapeake Bay waste load regulations. The bill directs the Board to modify affected discharge permits to incorporate the provisions of the ENRC Program and requires certain compliance plans due from treatment works by February 1, 2023, to address the requirements of the ENRC Program.

The bill provides that the funding of certain design and installation costs for implementing nutrient upgrades pursuant to the ENRC Program shall be eligible for grants from the Water Quality Improvement Fund. The ENRC Program is required to proceed regardless of whether such grants will

exceed the available funds in the Fund for a given fiscal year. The bill lists the projects and the total nitrogen or total phosphorus waste load allocation reductions that specified facilities are to complete. The bill provides that when grants to finance nutrient removal technology reach a sum sufficient to fund the completion of the ENRC Program at all publicly owned treatment works, certain General Assembly committees shall review funding needs and mechanisms.

Finally, the bill directs the State Water Control Board to convene a stakeholder group during the adoption of regulations required to carry out the provisions of the bill and provides that such adoption by the Board shall be exempt from certain procedures of the Administrative Process Act. The bill provides that the priority projects and waste load allocation reductions that it sets forth shall be deemed to implement goals of the Chesapeake Bay Phase III Watershed Implementation Plan.

[HB2187](#) Recurrent Flooding Resiliency, Commonwealth Center; study topics to manage water quality, etc.

**SUPPORT**

Primary Sponsor: M. Keith Hodges

Summary: Commonwealth Center for Recurrent Flooding Resiliency; study topics. Directs the Commonwealth Center for Recurrent Flooding Resiliency to (i) undertake certain topics of study to assist the Commonwealth and achieve the mission of the Center, (ii) oversee the development of a Flood Resiliency Clearinghouse Program, (iii) research and provide recommendations for solutions that manage both water quality and flooding and emphasize nature-based solutions, and (iv) make final recommendations for solutions to be approved for flood mitigation that are deemed appropriate for permitting by certain agencies of the Commonwealth.

[HJ552](#) Study: joint subcommittee to study recurrent inland and urban flooding in the Commonwealth.

**SUPPORT** *priority*

Primary Sponsor: Mark H. Levine

Summary: Study: joint subcommittee to study recurrent inland and urban flooding across the Commonwealth; report. Establishes a two-year joint subcommittee, consisting of eight legislative members and five nonlegislative citizen members, to study the development of a comprehensive and coordinated planning effort to address recurrent flooding in inland and urban areas across the Commonwealth. The joint subcommittee shall complete its work by November 30, 2022, and submit its findings and recommendations by the first day of the 2023 Session of the General Assembly.

[SB1164](#) Advanced recycling; not considered solid waste management; definition.

**WATCH**

Primary Sponsor: Emmett W. Hanger, Jr.

Summary: Advanced recycling; not considered solid waste management; definition. Defines "advanced recycling" as a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic hydrocarbon raw materials and other materials. The bill provides that

advanced recycling shall not be considered solid waste management. The bill also defines "gasification," "post-use polymer," and other terms related to advanced recycling.

**SB1210** Environmental permit fees; Va. Waste Management Bd. to adopt regulations to collect.

**WATCH**

Primary Sponsor: J. Chapman Petersen

Summary: Environmental permit fees. Directs the Virginia Waste Management Board to adopt regulations to collect from any person operating certain facilities permitted for the disposal, storage, or treatment of nonhazardous solid waste such annual fees as are necessary to provide funding for the total direct costs of the nonhazardous solid waste management program when aggregated and combined with other existing fees. The bill also directs the State Water Control Board to adopt regulations specifying permit maintenance fees that each permitted facility shall pay to the Board for certain water quality or withdrawal permits. The bill requires the fee amounts to be set at an amount that is necessary to collect no less than 40 percent and no greater than 50 percent of the direct costs required for the administration, compliance, and enforcement of such permits. The bill contains enactment clauses that (i) direct the relevant Boards to adopt such regulations by January 1, 2022, and (ii) provide for the expiration of existing provisions for similar permit fees contingent upon the adoption of such regulations.

**SB1282** Greenhouse gas emissions inventory; regulations.

**SUPPORT** *priority*

Primary Sponsor: Joseph D. Morrissey

Summary: Greenhouse gas emissions inventory; regulations. Directs the Department of Environmental Quality to conduct a statewide baseline and projection inventory of all greenhouse gas emissions and to update such inventory every four years. The bill requires that the inventory be published and included in the annual report of the State Air Pollution Control Board. The bill also authorizes the Board to adopt regulations, to become effective no later than January 1, 2022, necessary to collect data needed to conduct, update, and maintain the inventory.

**SB1309** Local stormwater assistance; flood mitigation and protection.

**SUPPORT** *priority*

Primary Sponsor: Adam P. Ebbin

Summary: Local stormwater assistance; flood mitigation and protection. Authorizes grants from a local Stormwater Management Fund to be used for measures that are part of a comprehensive flood mitigation and protection plan adopted by the locality, including floodproofing, flood protection products, and grading. Current law allows such funds to be used only for the construction, improvement, or repair of a stormwater management facility or for erosion and sediment control.

[SB1352](#) Flood Control and Commonwealth Flood Control Board, Department of; established, report.

**SUPPORT**

Primary Sponsor: Lynwood W. Lewis, Jr.

Summary: Flood control; Department of Flood Control and Commonwealth Flood Control Board established; report. Creates the 14-member Commonwealth Flood Control Board (the Board) as a policy board in the executive branch of state government with various duties coordinating and implementing existing and new flood control programs and measures in Virginia, including flood control components of other state agency programs. The 10 nonlegislative citizen members of the Board shall be appointed by the Governor to five-year terms, initially staggered as provided in the bill. The bill creates the Department of Flood Control (the Department) to assist in the administration of the Board's duties and to provide other technical expertise. The bill requires the Department to provide an annual report. Funding for the Department is provided in part by funds collected from the sale of credits pursuant to the RGGI program.

[SB1373](#) Environmental permits; community and environmental justice outreach.

**SUPPORT**

Primary Sponsor: Jennifer L. McClellan

Summary: Environmental permits; community and environmental justice outreach. Requires the applicant for any (i) new or major modified stationary air pollution source, (ii) new landfill or transfer station, (iii) certification of site approval for a hazardous waste facility, (iv) new individual Virginia Pollutant Discharge Elimination System permit, (v) new individual Virginia Water Protection permit, (vi) new individual Virginia Stormwater Management Program permit, (vii) new individual Virginia Pollution Abatement permit, or (viii) individual ground water withdrawal permit for a new ground water withdrawal to complete certain public notice requirements, including (a) holding a public hearing; (b) publishing notices in English and Spanish in a newspaper, on social media, and on signage at the site location at least 60 days prior to such public meeting; (c) mailing notices to interested parties; (d) accepting written comments; (e) transcribing meeting information; and (f) responding to community concerns to the satisfaction of the Department of Environmental Quality.

The bill removes an exemption for applicants for a permit to operate a new captive industrial landfill or a new construction-demolition-debris landfill from certain provisions relating to new landfills or transfer stations. The bill also removes an exemption from certain public notice requirements granted to local government or public authority applicants for a permit to operate a landfill or transfer station.

**FOIA**

[HB2025](#) Virginia Freedom of Information Act; record exclusion for personal contact information provided.

**WATCH**

Primary Sponsor: Wendy W. Gooditis

Summary: Virginia Freedom of Information Act; record exclusion for personal contact information provided to a public body. Provides that personal contact information provided to a public body or any of its members for the purpose of receiving electronic communications from the public body or any of its members is excluded from the mandatory disclosure provisions of FOIA, unless the recipient of such electronic communications indicates his approval for the public body to disclose such information. Currently, the law provides protections for personal contact information provided to a public body, not to its members; only applies to electronic mail; and requires the electronic mail recipient to request the public body not to disclose his personal contact information in order for the information to be exempt from mandatory disclosure. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

## **FIRE DEPARTMENT AND EMERGENCY SERVICES**

[HB2029](#) Fire service training activities; prohibition on the use of certain oriented strand board.

### **SUPPORT**

Primary Sponsor: Paul E. Krizek

Summary: Department of Fire Programs; prohibition on the use of certain oriented strand board in fire service training activities. Prohibits the use by any person, local government, or agency of the Commonwealth of Class A fuel materials that contain oriented strand board, defined in the bill, during fire service training activities.

[HB2085](#) Emergency Services and Disaster Law; local and interjurisdictional emergency operations plans.

### **SUPPORT**

Primary Sponsor: Alex Q. Askew

Summary: Emergency Services and Disaster Law; local and interjurisdictional emergency operations plans. Requires local and interjurisdictional agencies to include provisions in their emergency operations plans to ensure that such plans are applied equitably and that the needs of minority and vulnerable communities are met during emergencies.

## **FOOD AND FARMING**

[HB2068](#) Local Food and Farming Infrastructure Grant Program; established.

### **SUPPORT**

Primary Sponsor: Sam Rasoul

Summary: Local Food and Farming Infrastructure Grant Program. Establishes the Local Food and Farming Infrastructure Grant Program and authorizes the Governor to award grants to political subdivisions from the Governor's Agriculture and Forestry Industries Development Fund as part of the Program. Such grants, in amounts up to \$25,000, shall be awarded on a competitive basis to support

infrastructure development projects that support local food production and sustainable farming. The bill directs the Secretary of Agriculture and Forestry to develop guidelines for the Program that favor projects that establish or maintain farmers markets; businesses or organizations that manage the aggregation, distribution, and marketing of food products primarily from local and regional producers; and primarily locally owned processing facilities.

## HEALTH AND WELFARE

[HB1820](#) Temporary Assistance for Needy Families; food stamp program, eligibility, postsecondary education.

**SUPPORT** *priority*

Primary Sponsor: Dan I. Helmer

Summary: Temporary Assistance for Needy Families; food stamp program; eligibility; postsecondary education. Allows Temporary Assistance for Needy Families (TANF) and food stamp recipients, to the extent permitted by federal law and regulations, to satisfy or earn exemption from applicable work and training requirements through enrollment in postsecondary education. The bill directs the Department of Social Services to utilize certain strategies to promote such postsecondary education opportunities and streamline the process for certifying compliance therewith. The bill also directs the Board of Social Services, in implementing the Commonwealth's food stamp program, to (i) establish broad-based categorical eligibility, (ii) set the gross income eligibility standard at 200 percent of the federal poverty guidelines, and (iii) not impose an asset limit.

[HB1831](#) Home care organizations; personal care services through audio-only telephone communication.

**OPPOSE** *principle*

Primary Sponsor: Christopher T. Head

Summary: Home care organizations; personal care services; supervision; regulations. Directs the Board of Health to include in regulations governing home care organizations a provision for supervision of home care attendants providing personal care services by a licensed nurse through use of audio-only telephone communication.

[HB1989](#) Public health emergency; emergency medical services agencies, real-time access to information.

**SUPPORT**

Primary Sponsor: Lashrecse D. Aird

Summary: Public health emergency; emergency medical services agencies; real-time access to information. Directs the Department of Health to develop and implement a system for sharing information regarding confirmed cases of communicable diseases of public health threat with emergency medical services agencies in real time during a declared public health emergency related

to a communicable disease of public health threat and with the Emergency Medical Services Advisory Board and regional emergency medical services councils upon request, in order to protect the health and safety of emergency medical services personnel and the public.

[\*\*SB1304\*\*](#) Community services boards; discharge planning.

### **WATCH**

Primary Sponsor: Jeremy S. McPike

Summary: Community services boards; discharge planning. Provides that a discharge plan shall be completed within 30 days of the individual's date of discharge from a state hospital or training center. Current law requires that a discharge plan be completed prior to the individual's discharge. The bill also reduces from within 30 days to within 72 hours of the individual's identification as ready for discharge the time by which a community services board must document its disagreement with the determination that an individual is ready for discharge from a state hospital or training center.

### **HOUSING**

[\*\*HB2053\*\*](#) Department of Housing and Community Development; stakeholder advisory group; accessory dwelling.

### **SUPPORT**

Primary Sponsor: Ibraheem S. Samirah

Summary: Department of Housing and Community Development; stakeholder advisory group; accessory dwelling units. Directs the Department of Housing and Community Development (Department) to convene a stakeholder advisory group to evaluate the construction of internal, attached, and detached accessory dwelling units as a strategy to address the Commonwealth's growing demand for affordable and market-rate housing. The bill requires the stakeholder advisory group to report its findings and recommendations, including any legislative recommendations, to the Director of the Department, the Secretary of Commerce and Trade, the commissioners of the Virginia Housing Development Authority, and the Virginia Housing Commission no later than November 1, 2021.

### **HOUSING (FAIR HOUSING LAW)**

[\*\*HB1971\*\*](#) Virginia Fair Housing Law; reasonable accommodations; disability-related requests for parking.

### **SUPPORT** *principle*

Primary Sponsor: Betsy B. Carr

Summary: Virginia Fair Housing Law; reasonable accommodations; disability-related requests for parking. Provides that for the purposes of the Virginia Fair Housing Law, when a person receives a request for accessible parking to accommodate a disability, the person receiving the request shall treat such request as a reasonable accommodation, and any costs, fees, or charges related to the

installation, designation, marking, or reconfiguration of a parking space related to such reasonable accommodation request shall be borne by the person receiving the request. The bill provides that it is declarative of existing law.

**[HB2046](#)** Virginia Fair Housing Law; unlawful discriminatory housing practices.

**SUPPORT** *principle*

Primary Sponsor: Jeffrey M. Bourne

Summary: Virginia Fair Housing Law; unlawful discriminatory housing practices. Prohibits 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. The bill also requires the Fair Housing Board, after determining the existence of an unlawful discriminatory housing practice and after consultation with the Attorney General, to immediately refer the matter to the Attorney General for civil action.

## **HOUSING (LANDLORD/TENANT)**

**[HB1889](#)** Va. Residential Landlord and Tenant Act; landlord remedies, noncompliance with rental agreement.

**WATCH** *principle*

Primary Sponsor: Marcia S. "Cia" Price

Summary: Virginia Residential Landlord and Tenant Act; landlord remedies; noncompliance with rental agreement; payment plan; removal of sunset. Removes the sunset date of July 1, 2021, from certain provisions enacted during the 2020 Special Session related to the Virginia Residential Landlord and Tenant Act. Such provisions (i) changed from five to 14 days the amount of time that a landlord who owns four or fewer rental dwelling units must wait after serving written notice on a tenant notifying the tenant of his nonpayment of rent and of the landlord's intention to terminate the rental agreement if rent is not paid before the landlord may pursue remedies for termination of the rental agreement; (ii) required a landlord who owns more than four rental dwelling units, or more than a 10 percent interest in more than four rental dwelling units, before terminating a rental agreement due to nonpayment of rent, to serve upon such tenant a written notice informing the tenant of the total amount due and owed and offer the tenant a payment plan under which the tenant must pay the total amount due and owed in equal monthly installments over a period of the lesser of six months or the time remaining under the rental agreement; (iii) outlined the remedies a landlord has if a tenant fails to pay the total amount due and owed or enter into a payment arrangement within 14 days of receiving notice or if the tenant enters into a payment arrangement but fails to pay within 14 days of

the due date any rent that becomes due under the payment plan or arrangement after such plan or arrangement becomes effective; and (iv) clarified that a tenant is not precluded from participating in any other rent relief programs available to the tenant through a nonprofit organization or under the provisions of a federal, state, or local law, regulation, or action.

**HB1900** Virginia Residential Landlord and Tenant Act; tenant remedies for exclusion from dwelling unit.

**SUPPORT** *principle*

Primary Sponsor: Sally L. Hudson

Summary: Virginia Residential Landlord and Tenant Act; tenant remedies for exclusion from dwelling unit, interruption of services, or actions taken to make premises unsafe. Provides that a general district court shall enter an order upon petition by a tenant that his landlord has (i) removed or excluded the tenant from the dwelling unit unlawfully, (ii) interrupted or caused the interruption of an essential service to the tenant, or (iii) taken action to make the premises unsafe for habitation. The bill allows entry of a preliminary order ex parte to require the landlord to allow the tenant to recover possession of the dwelling unit, resume any such interrupted essential service, or fix any willful actions taken by the landlord or his agent to make the premises unsafe for habitation if there is good cause to do so and the tenant made reasonable efforts to notify the landlord of the hearing. The bill requires that any ex parte order entered shall further indicate a date for a full hearing on the petition that is no later than 10 days from the initial hearing date. Finally, the bill provides that, at a full hearing on such petition, the tenant shall recover actual damages, the greater of \$5,000 or four months' rent, and reasonable attorney fees.

**HB1908** Virginia Residential Landlord and Tenant Act; noncompliance with rental agreement, etc.

**SUPPORT** *principle*

Primary Sponsor: Dan I. Helmer

Summary: Virginia Residential Landlord and Tenant Act; noncompliance with rental agreement; prohibition on using negative credit information that arose during a closure of the United States Government against certain applicants for tenancy; penalty. Prohibits a landlord who owns more than four rental dwelling units or more than a 10 percent interest in more than four rental dwelling units in the Commonwealth from taking any adverse action against an applicant for tenancy based solely on payment history or an eviction for nonpayment of rent that occurred during a closure of the United States government when such applicant was a directly affected individual, defined as an individual who was furloughed or otherwise did not receive payments as a result of a closure of the United States government and was (i) an employee of the United States government, (ii) an independent contractor of the United States government, or (iii) an employee of a company under contract with the United States government. If such a landlord denies an applicant for tenancy, the bill requires the landlord to provide the applicant written notice of the denial and of the applicant's right to assert that his failure to qualify was based solely on payment history or an eviction based on nonpayment of rent that occurred during the proscribed period when such applicant was a directly affected individual. If a

landlord does receive a response from the applicant asserting such a right, and the landlord relied upon a consumer or tenant screening report, the landlord must make a good faith effort to contact the generator of the report to ascertain whether such determination was due solely to the applicant for tenancy's payment history or an eviction for nonpayment that occurred during the proscribed period and that such applicant was a directly affected individual. The bill permits an applicant for tenancy to recover damages of up to \$1,000, along with attorney fees, from landlords who do not comply with these requirements.

**HB1981** Virginia Residential Landlord and Tenant Act; access to dwelling unit during certain emergencies.

**SUPPORT** *principle*

Primary Sponsor: Betsy B. Carr

Summary: Virginia Residential Landlord and Tenant Act; access to dwelling unit during certain declared states of emergency; emergency. Provides that a tenant shall be deemed to have reasonable justification for declining to permit a landlord or managing agent to exhibit the tenant's dwelling unit for sale or lease if the tenant has reasonable concern for his own health, or the health of any authorized occupant, during a state of emergency declared by the Governor in response to a communicable disease of public health threat and the tenant has provided written notice to the landlord informing the landlord of such concern. The bill requires the tenant in such circumstances to provide to the landlord or managing agent a video tour of the dwelling unit or other acceptable substitute for exhibiting the dwelling unit for sale or lease. The bill also provides that during a state of emergency declared by the Governor in response to a communicable disease of public health threat a tenant may provide written notice to the landlord requesting that one or more nonemergency property conditions in the dwelling unit not be addressed in the normal course of business of the landlord due to such communicable disease of public health threat. The bill provides that in such case, the tenant shall be deemed to have waived any and all claims and rights under the Virginia Residential Landlord and Tenant Act against the landlord for failure to address such nonemergency property conditions. The bill contains an emergency clause.

**HB2249** Virginia Residential Landlord and Tenant Act; landlord charges for security deposits.

**SUPPORT**

Primary Sponsor: Delores L. McQuinn

Summary: Virginia Residential Landlord and Tenant Act; landlord charges for security deposits, insurance premiums for damage insurance, and insurance premiums for renter's insurance; filing of information regarding resident agent appointed by nonresident property owner. Prohibits a landlord from requiring a tenant to pay a security deposit, insurance premiums for damage insurance, and insurance premiums for renter's insurance prior to the commencement of the tenancy that exceed the amount of two months' periodic rent. The bill permits a landlord, however, to add a monthly amount as additional rent to recover additional costs of such damage insurance or renter's insurance premiums. The bill also removes provisions allowing a landlord to permit a tenant to provide damage

insurance coverage in lieu of the payment of a security deposit. Finally, the bill requires nonresident property owners to file the name and office address of the agent appointed by such nonresident property owner in the office of the clerk of the State Corporation Commission. Under current law, such information must be filed in the office of the clerk of the court in which deeds are recorded in the county or city in which the property lies.

[SB1215](#) Virginia Residential Landlord and Tenant Act; tenant remedies for exclusion from dwelling unit.

### **SUPPORT**

Primary Sponsor: Adam P. Ebbin

Summary: Virginia Residential Landlord and Tenant Act; tenant remedies for exclusion from dwelling unit, interruption of services, or actions taken to make premises unsafe. Provides that a general district court shall enter an order upon petition by a tenant that his landlord has (i) removed or excluded the tenant from the dwelling unit unlawfully, (ii) interrupted or caused the interruption of an essential service to the tenant, or (iii) taken action to make the premises unsafe for habitation. The bill allows entry of a preliminary order ex parte to require the landlord to allow the tenant to recover possession of the dwelling unit, resume any such interrupted essential service, or fix any willful actions taken by the landlord or his agent to make the premises unsafe for habitation if there is good cause to do so and the tenant made reasonable efforts to notify the landlord of the hearing. The bill requires that any ex parte order entered shall further indicate a date for a full hearing on the petition that is no later than 10 days from the initial hearing date. Finally, the bill provides that, at a full hearing on such petition and upon proper evidence presented, the tenant shall recover actual damages, the greater of \$5,000 or four months' rent, and reasonable attorney fees.

## **HOUSING (TAX CREDIT)**

[HB2050](#) Virginia housing opportunity; tax credit established starting in taxable year 2021.

### **SUPPORT**

Primary Sponsor: Jeffrey M. Bourne

Summary: Virginia housing opportunity tax credit. Establishes, starting in taxable year 2021, a Virginia housing opportunity tax credit, which is equal to the amount of the federal low-income housing tax credit allocated or allowed by the Virginia Housing Development Authority to a low-income building that is eligible for the federal credit. The credit would be nonrefundable and could be carried forward for up to five years.

[SB1197](#) Virginia housing opportunity; tax credit established.

### **SUPPORT**

Primary Sponsor: Mamie E. Locke

Summary: Virginia housing opportunity tax credit. Establishes, starting in taxable year 2021, a Virginia housing opportunity tax credit, which is equal to the amount of the federal low-income housing tax credit allocated or allowed by the Virginia Housing Development Authority to a low-income building that is eligible for the federal credit. The credit would be nonrefundable and could be carried forward for up to five years.

## **HUMAN RIGHTS**

[\*\*HB1848\*\*](#) Virginia Human Rights Acts; adds discrimination on the basis of disability.

### **SUPPORT** *principle*

Primary Sponsor: Mark D. Sickles

Summary: Virginia Human Rights Acts; discrimination on the basis of disability. Adds discrimination on the basis of disability as an unlawful employment practice under the Virginia Human Rights Act. The bill also requires employers, defined in the bill, to make reasonable accommodation to the known physical and mental impairments of an otherwise qualified person with a disability, if necessary to assist such person in performing a particular job, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer. The bill also prohibits employers from taking any adverse action against an employee who requests or uses a reasonable accommodation, from denying employment or promotion opportunities to an otherwise qualified applicant or employee because such employer will be required to make reasonable accommodation to the applicant or employee, or from requiring an employee to take leave if another reasonable accommodation can be provided to the known limitations related to the disability. The bill creates a cause of action against any employer who denies any of the rights to reasonable accommodation afforded by the bill and permits the court or jury to award compensatory damages, back pay, and other equitable relief.

## **IDENTIFICATION CARDS**

[\*\*HB2138\*\*](#) Identification privilege cards; fee, confidentiality, penalties.

### **SUPPORT** *principle*

Primary Sponsor: Elizabeth R. Guzman

Summary: Identification privilege cards; fee; confidentiality; penalties. Authorizes the Department of Motor Vehicles to issue identification privilege cards to applicants who do not meet the citizenship or legal presence requirements for a special identification card or a limited-duration special identification card and have reported income from Virginia sources or been claimed as a dependent on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill provides that identification privilege cards shall be treated as special identification cards unless otherwise provided in the Code of Virginia. The bill limits the release of certain information stored by the Department. The bill has a delayed effective date of January 1, 2022.

## JUSTICE

[HB1990](#) Criminal justice legislation; racial and ethnic impact statements.

### **SUPPORT** *principle*

Primary Sponsor: Lashrecse D. Aird

Summary: Racial and ethnic impact statements for criminal justice legislation. Provides that the Chair of the House Committee for Courts of Justice or the Chair of the Senate Committee on the Judiciary may request the Joint Legislative Audit and Review Commission (JLARC) to review and prepare a racial and ethnic impact statement for a proposed criminal justice bill to outline its potential impact on racial and ethnic disparities within the Commonwealth. The bill requires JLARC to provide copies of the impact statement to the requesting chair and the patron of the proposed bill. No more than three racial and ethnic impact statements may be requested by the Chair of the House Committee for Courts of Justice and no more than two racial and ethnic impact statements may be requested by the Chair of the Senate Committee on the Judiciary for completion during a single regular session of the General Assembly.

## LAW ENFORCEMENT

~~[HB1875](#) Law-enforcement officers; modifies minimum qualifications.~~

### ~~**WATCH** *principle*~~

~~Primary Sponsor: Carrie E. Coyner~~

~~Summary: Law-enforcement officers; minimum qualifications. Modifies the existing minimum qualification for law-enforcement officers that prohibits any such officer from entering upon the duties of such office if he has been convicted of or pled guilty or no contest to any misdemeanor involving moral turpitude, including petit larceny, by providing that the prohibition applies only if such conviction or plea has occurred within the last three years.~~

[HB1941](#) Law-enforcement officer; discharge of firearm, etc., release of video or audio recording.

### **WATCH**

Primary Sponsor: Sam Rasoul

Summary: Required release of video or audio recording; discharge of firearm or use of stun weapon or chemical irritant by law-enforcement officer. Requires that, whenever a law-enforcement officer (i) discharges a firearm or (ii) uses a stun weapon or chemical irritant on a person resulting in death or serious bodily injury, any video or audio recording that relates to such incident produced or obtained by a law-enforcement officer be open to inspection and available for release and posted on a website that is maintained by the law-enforcement agency or on any other website on which the law-enforcement agency generally posts information and that is available to the public or that clearly describes how the public may access such data within 15 days of producing or obtaining such video or audio recording. The bill includes exceptions to such release. The bill also provides that any

person denied the rights and privileges conferred may proceed to enforce such rights and privileges by filing a petition for mandamus or injunction pursuant to the Virginia Freedom of Information Act.

[HB1948](#) Law-enforcement officer; duty to render aid, duty to report wrongdoing by another officer.

### **WATCH**

Primary Sponsor: Mark H. Levine

Summary: Law-enforcement officer; duty to render aid; duty to report wrongdoing by another law-enforcement officer. Requires any law-enforcement officer on duty who witnesses another person suffering from a serious bodily injury or a life-threatening condition to render aid and makes it a duty to report acts of wrongdoing, defined in the bill and including bias-based profiling, committed by another law-enforcement officer on duty. Any law-enforcement officer who fails to render such aid or report such wrongdoing committed by another law-enforcement officer shall be subject to disciplinary action, including dismissal, demotion, suspension, or transfer of the law-enforcement officer. The bill also expands the definition of "bias-based profiling," a practice banned for sheriffs, deputy sheriffs, other local law-enforcement officers, and State Police officers in the performance of their official duties, to include sexual orientation and gender identity.

[HB2031](#) Facial recognition technology; authorization of use by local law-enforcement agencies, etc.

### **OPPOSE**

Primary Sponsor: Lashrecse D. Aird

Summary: Facial recognition technology; authorization of use by local law-enforcement agencies and public institutions of higher education. Allows a locality or a public institution of higher education to authorize a local law-enforcement agency or campus police department to purchase or deploy facial recognition technology, which is defined in the bill. The bill prohibits a local law-enforcement agency or public institution of higher education currently using facial recognition technology from continuing to use such technology without such authorization after July 1, 2021.

## **LOCAL AUTHORITY**

[HB1803](#) Approved local volunteer activities; enables localities to provide credit against taxes & fees.

### **SUPPORT**

Primary Sponsor: Robert D. Orrock, Sr.

Summary: Local credits for approved local volunteer activities. Enables localities, by ordinance, to provide a credit against taxes and fees imposed by the locality to an individual who provides approved volunteer services in the locality. As defined in the bill, "approved volunteer services" includes (i) volunteer first responders or (ii) individuals who perform volunteer services to a nonprofit organization or to the locality, if such services are approved by the locality. The bill specifies that the credit may not be used against any property taxes or payments in lieu of property taxes. The bill gives

localities discretion to determine which taxes or fees are permissible uses of the credit and which services qualify for the credit.

**HB1903** Local government; authority to reduce the speed limit in a business district or residence district.

**SUPPORT**

Primary Sponsor: Betsy B. Carr

Summary: Local government authority; reduction of speed limits. Authorizes local governing bodies to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, in a business district or residence district.

**SB1208** Continuity of government; extends period of time that locality may provide after disaster, etc.

**SUPPORT**

Primary Sponsor: George L. Barker

Summary: Continuity of government. Extends from six to 12 months the period of time after an enemy attack or other disaster that a locality may, by ordinance, provide for a method to assure continuity in its government and requires the ordinance to provide a method for the locality to resume normal governmental authority by the end of that 12-month period.

**SB1298** Tourism improvement districts; authorizes any locality to create.

**SUPPORT**

Primary Sponsor: John J. Bell

Summary: Tourism improvement districts. Authorizes any locality to create a local tourism improvement district plan, consisting of fees charged to businesses and used to fund tourism promotion activities and capital improvements. Under the bill, the locality is authorized to contract with a nonprofit entity to administer the activities and improvements.

## **MARIJUANA**

**HB1815** Marijuana; legalization of cultivation, manufacture, sale, possession, and testing, penalties.

**WATCH**

Primary Sponsor: Steve E. Heretick

Summary: Marijuana; legalization of cultivation, manufacture, sale, possession, and testing; penalties. Establishes a regulatory scheme for the regulation of marijuana cultivation facilities, marijuana manufacturing facilities, marijuana testing facilities, and retail marijuana stores by the Board of Agriculture and Consumer Services. The bill also grants localities the authority to enact ordinances establishing additional licensing requirements for marijuana establishments located within such locality and allows the home cultivation of marijuana for personal use under certain circumstances. The bill imposes a tax on retail marijuana and retail marijuana products sold by a retail marijuana

store at a rate of 9.7 percent (for a total sales tax of 15 percent) and provides that 67 percent of the revenues collected from the tax be deposited into the general fund and 33 percent of the revenues be deposited into a "Retail Marijuana Education support Fund" to be used solely for purposes of public education. Finally, the bill establishes several new criminal penalties related to marijuana, as well as modifies some existing criminal penalties.

[SB1406](#) Marijuana; legalization of simple possession; penalties.

### **WATCH**

Primary Sponsor: Adam P. Ebbin

Summary: Marijuana; legalization of simple possession; penalties. Eliminates criminal penalties for possession of marijuana for persons who are 21 years of age or older. The bill also modifies several other criminal penalties related to marijuana and provides for an automatic expungement process for those convicted of certain marijuana-related crimes. The bill establishes a regulatory scheme for the regulation of marijuana cultivation facilities, marijuana manufacturing facilities, marijuana testing facilities, marijuana wholesalers, and retail marijuana stores by the Virginia Alcoholic Beverage Control Authority, renamed as the Virginia Alcoholic Beverage and Cannabis Control Authority. The bill imposes a tax on retail marijuana, retail marijuana products, and marijuana paraphernalia sold by a retail marijuana store, as well as non-retail marijuana and non-retail marijuana products at a rate of 21 percent and provides that localities may by ordinance levy a three percent tax on any such marijuana or marijuana products. The bill provides that net profits attributable to regulatory activities of the Authority's Board of Directors pursuant to this bill shall be appropriated as follows: (i) 40 percent to pre-kindergarten programs for at-risk three and four year olds, (ii) 30 percent to the Cannabis Equity Reinvestment Fund, established in the bill, (iii) 25 percent to substance use disorder prevention and treatment programs, and (iv) five percent to public health programs. The bill creates the Cannabis Control Advisory Board, the Cannabis Equity Reinvestment Board, and the Cannabis Public Health Advisory Council. The bill has a delayed effective date of January 1, 2023, with provisions for the Authority's Board of Directors to promulgate regulations for the implementation of the bill and for implementation of the automatic expungement process to begin in due course. In addition, the bill establishes three work groups to begin their efforts in due course: one focused on public health and safety issues, one focused on providing resources for teachers in elementary and secondary schools, and one focused on college-aged individuals.

### **PLANNING**

[SB1249](#) Local planning commissions; review deadlines.

### **OPPOSE**

Primary Sponsor: Richard H. Stuart

Summary: Local planning commissions; review deadlines. Adds rezoning or generalized development plans, special use permits, and special exception applications to various review deadlines and requirements for local planning commissions.

**[SB1253](#)** Access roads to economic development sites; criteria for use of funds.

discuss

### **WATCH**

Primary Sponsor: Jeremy S. McPike

Summary: Funds for access roads to economic development sites; criteria for use of funds. Directs the Commonwealth Transportation Board, in consultation with the Secretaries of Transportation and Commerce and Trade, to develop criteria to be used in the award of funds for access roads to economic development sites. The criteria shall take into account job creation, capital investment, and other relevant economic development considerations.

## **PROCUREMENT**

**[HB1849](#)** Virginia Public Procurement Act; participation in apprenticeship training programs, etc.

### **WATCH**

Primary Sponsor: Shelly A. Simonds

Summary: Virginia Public Procurement Act; participation in apprenticeship training programs; required contract provisions. Requires all public bodies to include in every contract for construction over \$250,000 provisions requiring the contractor, during the performance of the contract, to participate in an apprenticeship training program for each separate trade or classification program in which it employs construction employees. The bill also requires such contractors to include the same provision in all subcontracts over \$50,000 so that such provisions will also be binding upon each subcontractor.

**[HB1857](#)** Virginia Public Procurement Act; architectural and professional engineering term contracting.

### **WATCH**

Primary Sponsor: Suhas Subramanyam

Summary: Virginia Public Procurement Act; architectural and professional engineering term contracting; certain localities. Exempts any locality with a population in excess of 400,000 from the limitations on architectural and professional engineering contract single-project fees for environmental, location, design, and inspection work regarding highways and bridges. Current law exempts the Commissioner of Highways from such limitations and the exemption is continued in the bill.

[HB1996](#) Va Public Procurement Act; determination of responsibility, etc.

**SUPPORT**

Primary Sponsor: Kathleen Murphy

Summary: Virginia Public Procurement Act; determination of responsibility; local option to include criteria in Invitation to Bid. Allows localities to include in the Invitation to Bid criteria that may be used in determining whether any bidder, not just any bidder who is not prequalified by the Virginia Department of Transportation as under current law, is a responsible bidder.

[HB2237](#) Virginia Public Procurement Act; project labor agreements, transportation projects.

**WATCH**

Primary Sponsor: Delores L. McQuinn

Summary: Virginia Public Procurement Act; project labor agreements; transportation projects. Requires every public body, prior to requiring bidders, offerors, contractors, subcontractors, or operators on contracts for the design or construction of a road, highway, bridge, or similar transportation improvement to enter into, become or remain signatories to, or adhere to project labor agreements, to make a written determination that requiring such bidders, offerors, contractors, subcontractors, or operators to enter into, become or remain signatories to, or adhere to such project labor agreements advances the public's interests based on objective criteria established by the public body by regulation or ordinance, such as cost, efficiency, quality, safety, timeliness, maintenance of a skilled labor force, labor stability, or advancing minority-owned and women-owned business participation in the project.

[SB1305](#) Virginia Public Procurement Act; public works contracts, subcontractor workforce requirements.

**WATCH**

Primary Sponsor: Jeremy S. McPike

Summary: Virginia Public Procurement Act; public works contracts; subcontractor workforce requirements. Requires all public bodies and covered institutions, defined in the bill, to include in every public works contract of more than \$250,000 certain provisions related to the outsourcing of subcontracted work, which a contractor shall agree to during the performance of such contract. Such provisions mandate that a contractor shall only utilize subcontractors that certify in writing to the contract that they will outsource no more than 10 percent of the cost of the work subcontracted for, excluding the provision of materials, with specified exceptions. The bill provides that any contractor that violates the provisions of the bill may be debarred for up to one year or disqualified from the project and may be responsible for liquidated damages for any related delays in the project.

[SB1384](#) Virginia Public Procurement Act; local arbitration agreements.

**WATCH**

Primary Sponsor: Scott A. Surovell

Summary: Virginia Public Procurement Act; local arbitration agreements. Allows a participating locality, for any procurement solicitation or contract exceeding \$10,000 for goods and services, to require the bidder or offeror to disclose certain information regarding pre-dispute arbitration clauses, defined in the bill, in employment, civil rights, and consumer disputes, and provides that a locality may consider the policies and practices related to arbitration of each bidder and offeror. The bill also provides that a participating locality shall require the bidder or offeror to provide written or electronic submissions to allow the locality to ascertain (i) whether the bidder or offeror requires persons with whom it is in a work relationship or prospective work relationship to sign or otherwise enter into a contract containing a pre-dispute arbitration clause that would cover an employment or civil rights dispute and (ii) whether the bidder or offeror requires consumers to sign or otherwise enter into a contract containing a pre-dispute arbitration clause that would cover a consumer or civil rights dispute as a condition of purchasing products or services, downloading mobile applications, or using websites. The bill authorizes a participating locality to cancel, terminate, or suspend, in whole or in part, the contract of any contractor that has violated a provision of the bill and to declare the contractor ineligible for further contracts with such locality for up to five years.

[SB1419](#) Project labor agreements; public interest.

#### **WATCH**

Primary Sponsor: David W. Marsden

Summary: Project labor agreements; public interest. Requires that for contracts requiring the design or construction of a road, highway, bridge, or similar transportation improvement, a public body wishing to enter into a project labor agreement shall first determine by written finding that participation in such project labor agreement advances the public interest, based on objective criteria established by the public body by regulation, ordinance, or resolution that may include cost, efficiency, quality, safety, timeliness, maintenance of a skilled labor force, labor stability, or advancing minority-owned or women-owned business participation in the project.

### **PUBLIC NOTICE**

[HB2114](#) Hearing notice by localities.

#### **WATCH**

Primary Sponsor: Margaret B. Ransone

Summary: Hearing notice by localities. Expands from only localities in Planning District 23 to all localities a provision that provides that in any instance in which a locality has submitted a timely notice of public hearing to a newspaper published or having general circulation in the locality and the newspaper fails to publish the notice, such locality shall be deemed to have met certain notice requirements so long as the notice was published in the next available edition. Under current law, this provision that was created by the 2020 Regular Session and only applies to localities in Planning

District 23 will expire on July 1, 2022. The provision in the bill as it applies to all localities will also expire on July 1, 2022.

## **SCHOOL CONSTRUCTION FUNDING**

[HB2093](#) School Construction Fund and Program; created and established.

**WATCH** *priority*

Primary Sponsor: Israel D. O'Quinn

Summary: Department of Education; School Construction Fund and Program. Establishes the School Construction Fund as a special nonreverting fund in the state treasury and requires the Department of Education to establish the School Construction Program for the purpose of providing grants from the Fund, subject to certain conditions, to school boards that leverage federal, state, and local programs and resources to finance the design and construction of new school buildings and facilities or the modernization and maintenance of existing school buildings and facilities.

## **STATE FUNDING (FACILITIES & EMPLOYEES)**

[SB1226](#) Compensation Board; determining staffing and salaries for an attorney for the Commonwealth.

**SUPPORT**

Primary Sponsor: Jennifer B. Boysko

Summary: Compensation Board determining staffing and salaries for an attorney for the Commonwealth. Provides that the Compensation Board shall consider workload totals comprehensively, including the use of diversion programs and specialty dockets, when determining staffing and funding levels for an attorney for the Commonwealth and the office.

[HB1963](#) Funding local health departments; cooperative local health budget, report.

**WATCH** *priority*

Primary Sponsor: Lamont Bagby

Summary: Cooperative local health budget; report. Provides that funding for local health departments shall consist of such state funds as may be allocated for the operation of the local health department together with local matching funds and estimated self-generated local service revenues, the total amount of which shall constitute the cooperative local health budget available to a local department of health, and that the amount of local matching funds for which a county or city is responsible shall be based on the county's or city's revenue generation capacity factor, as defined in the bill; in no case, however, shall the amount of local matching funds required be greater than 45 percent or less than 18 percent of the total amount of the cooperative local health budget for the local health department that serves the county or city, after deducting estimated self-generated local service revenues. The bill directs the Department of Health to biennially review the local matching fund amount for each

county and city, determine whether such amount should be revised as a result of changes to the county's or city's revenue generation capacity, and report the results of such review and any recommendations for changes to a county's or city's local matching fund amount to the Governor and the General Assembly.

## **TAXES**

**[HB2165](#)** Tax delinquent property; sale of land for delinquent taxes.

### **SUPPORT**

Primary Sponsor: Patrick A. Hope

Summary: Sale of land for delinquent taxes. Extends from 36 to 60 months the time period for which a local tax official may suspend an action for the sale of tax delinquent property, which under current law is authorized if the owner enters into an agreement with the official to pay delinquent taxes in installments. The bill also authorizes an official to suspend an action if a person who is not a party to the action gives notice asserting ownership rights, by virtue of testate or intestate succession, in the property subject to the action. If a court determines such person has ownership rights in the property, such person may enter into an installment plan similar to what is authorized under current law.

The bill provides that a final court order confirming sale of tax delinquent property shall not be entered sooner than the later of (i) 90 days after the official gives notice of the action or (ii) 90 days after the official receives notice from a person who is not a party to the action asserting ownership rights.

**[SB1286](#)** Income tax, state; rate increase, funding for schools and law-enforcement officer salaries.

### **WATCH**

Primary Sponsor: R. Creigh Deeds

Summary: Income tax; rate increase; funding for schools and law-enforcement officer salaries. Increases from 5.75 percent to 5.9 percent the income tax rate on income over \$150,000. Under current law, the top marginal rate of 5.75 percent applies to income over \$17,000. The rate change applies starting with taxable year 2021. The bill requires revenue from the increase to be appropriated for nonrecurring capital expenditures of school divisions and salary increases for state and state-supported law-enforcement officers.

## **TAXES (OCCUPANCY TAXES)**

**[HB2158](#)** Retail sales and transient occupancy taxes; tax on room rentals, Destination Marketing Fund created.

### **OPPOSE**

Primary Sponsor: Vivian E. Watts

Summary: Retail sales and transient occupancy taxes on room rentals; Destination Marketing Fund created. Provides that retail sales and hotel taxes on transient room rentals shall be computed on the

basis of the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an intermediary to facilitate the sale of the room and the intermediary charges the customer for the room and such facilitation efforts, the bill requires the intermediary to separately state the taxes on the bill or invoice provided to the customer and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room. The bill provides that tax revenue attributable to the charge for the service provided by the intermediary, whether accruing to the state or a locality, shall be dedicated to destination marketing. The funds accruing to the state shall be deposited into the Destination Marketing Fund, created in the bill. Half of such funds shall be distributed by the Virginia Tourism Authority in the form of grants to local tourism authorities and the other half shall be expended by the Authority.

### **SB1398** Retail sales and transient occupancy taxes; room rentals.

#### **OPPOSE**

Primary Sponsor: Thomas K. Norment, Jr.

Summary: Retail sales and transient occupancy taxes on room rentals. Provides that retail sales and hotel taxes on transient room rentals shall be computed on the basis of the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an intermediary to facilitate the sale of the room and the intermediary charges the customer for the room and such facilitation efforts, the bill requires the intermediary to separately state the taxes on the bill or invoice provided to the customer and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room. The bill provides that tax revenue attributable to the charge for the service provided by the intermediary, whether accruing to the state or a locality, shall be dedicated to tourism promotion.

## **TRAFFIC VIOLATIONS**

### **HB1840** Issuing citations; certain traffic offenses.

#### **WATCH**

Primary Sponsor: Scott Wyatt

Summary: ~~Issuing citations; certain traffic offenses. Authorizes law enforcement officers to lawfully stop a motor vehicle for operating (i) without a light illuminating a license plate, (ii) with defective and unsafe equipment, (iii) without brake lights or a high mount stop light, (iv) without an exhaust system that prevents excessive or unusual levels of noise, (v) with certain sun shading materials and tinting films, and (vi) with certain objects suspended in the vehicle. The bill authorizes a law enforcement officer to stop a pedestrian for jaywalking or entering a highway where the pedestrian cannot be seen. The bill provides that law enforcement officers are permitted to stop a motor vehicle for an expired safety inspection or registration sticker immediately following the original expiration date. The bill removes the prohibition on using evidence discovered or obtained due to an impermissible stop, including evidence obtained with the person's consent, in any trial, hearing, or other proceeding. The~~

~~bill removes prohibitions on stopping or arresting a driver of a motor vehicle for the violation of a local ordinance relating to the ownership or maintenance of a motor vehicle that is not a jailable offense.~~

**HB1846** License restrictions for minors; prohibition on use of handheld personal communications devices.

**SUPPORT** *principle*

Primary Sponsor: Roxann L. Robinson

Summary: License restrictions for minors; use of handheld personal communications devices.

Clarifies that the prohibition on the use of a handheld personal communications device or other wireless communications device by the holder of a provisional driver's license applies regardless of whether or not the device is being used for communication purposes. The bill exempts the use of such device's applications for solely navigation purposes and global positioning systems, provided that the driver does not enter information into or manually manipulate the device or system while operating the vehicle.

## TRANSPORTATION

**HB1861** Compression release engine brakes; use of brakes in localities.

**SUPPORT** *priority*

Primary Sponsor: Nancy D. Guy

Summary: Use of compression release engine brakes in localities. Authorizes counties, cities, and towns to regulate the use of compression release engine brakes when motor vehicles are operated within their boundaries and adjacent to residence districts.

**HB2054** Comprehensive plan; transit-oriented development.

**SUPPORT** *principle*

Primary Sponsor: Ibraheem S. Samirah

Summary: Comprehensive plan; transit-oriented development. Adds reducing, modifying, or waiving local parking requirements or ratios to the strategies that may be included when certain larger localities consider incorporating strategies to promote transit-oriented development in reviews of their comprehensive plans. The bill removes from the existing strategy of increasing development density in certain areas to reduce density in others the phrase "to reduce density in others."

## TRANSPORTATION (BICYCLES & PEDESTRIANS)

**HB1841** Crosswalk and sidewalk design; new installations to be painted in zebra pattern.

**OPPOSE**

Primary Sponsor: Mark L. Keam

Summary: Crosswalk and sidewalk design. Requires new crosswalks and crosswalks receiving future maintenance to be painted in a zebra pattern and have warning surface tiles on the sidewalk at each end of such crosswalk that are federal yellow if installed on a dark-colored sidewalk and red if installed on a light-colored sidewalk.

[HB2262](#) Bicycles; permits operators to treat a stop sign as a yield sign in certain situations.

**SUPPORT** *principle*

Primary Sponsor: Chris L. Hurst

Summary: Traffic regulation; bicycles. Permits operators of bicycles to treat a stop sign as a yield sign in certain situations. The bill requires the driver of a motor vehicle to change lanes when overtaking a bicycle or certain other vehicles when the lane of travel is not wide enough for the overtaking motor vehicle to pass at least three feet to the left of the overtaken vehicle. The bill also removes the limitations on riding bicycles and certain other vehicles two abreast.

[SB1263](#) Bicycles; permits operators to treat a stop sign as a yield sign in certain situations.

**SUPPORT** *principle*

Primary Sponsor: Joseph D. Morrissey

Summary: Traffic regulations; bicycles. Permits operators of bicycles to treat a stop sign as a yield sign in certain situations. The bill requires the driver of a motor vehicle to change lanes when overtaking a bicycle or certain other vehicles when the lane of travel is not wide enough for the overtaking motor vehicle to pass at least three feet to the left of the overtaken vehicle. The bill also removes the limitations on riding bicycles and certain other vehicles two abreast.

[SB1308](#) ~~Pedestrians; interference with traffic, penalty.~~

**OPPOSE**

Primary Sponsor: ~~Bill DeSteph~~

Summary: ~~Pedestrians; interference with traffic; penalty. Makes it a Class 1 misdemeanor offense for a pedestrian, when crossing a highway, to maliciously or intentionally interfere with the orderly passage of vehicles.~~

## TRANSPORTATION (ELECTRIC VEHICLES)

[HB1979](#) Electric vehicle rebate program; creation and funding; report.

**SUPPORT** *priority*

Primary Sponsor: David A. Reid

Summary: Electric vehicle rebate program; creation and funding; report. Creates a rebate program for the purchase or lease of new and used electric vehicles, to be administered by the Department of Mines, Minerals and Energy. A purchaser or lessee of an electric vehicle would receive a \$2,500 rebate at the time of purchase, and a purchaser or lessee with an annual household income that does

not exceed 300 percent of the federal poverty level would be entitled to an additional \$2,000 rebate. The motor vehicle dealer where the vehicle is purchased or leased would receive a refund for the amount of the rebate and a \$50 incentive payment for each rebate processed. Funds would be allocated from the revenues generated by the sunset of the Virginia Coal Employment and Production Incentive Tax Credit and the Coalfield employment enhancement tax credit and prohibit the allocation of new credits on and after January 1, 2021. The bill also establishes an Electric Vehicle Rebate Advisory Council to oversee the Electric Vehicle Rebate Program and to make recommendations regarding its implementation. The Director of the Department of Mines, Minerals and Energy is required to report annually to the Governor and the General Assembly regarding the Program. The Program will expire on September 1, 2026.

### **HB2118** Electric Vehicle Grant Fund and Program; creation, report.

#### **SUPPORT** *priority*

Primary Sponsor: Mark L. Keam

Summary: Electric Vehicle Grant Fund and Program; creation; report. Requires the Department of Environmental Quality to establish the Electric Vehicle Grant Program (the Program) for the purpose of (i) awarding grants on a competitive basis to school boards for (a) assisting with the complete replacement of existing diesel school buses with electric school buses no later than 2031; (b) the implementation of recharging infrastructure or other infrastructure needed to charge or maintain such electric school buses; and (c) workforce development and training to support the maintenance, charging, and operation of such electric school buses and (ii) developing education outreach to promote the Program. The bill contains provisions relating to grant applications, priority awards, and uses. The grants would be funded from a \$0.05 per gallon tax on dyed diesel fuel. Farmers would be eligible for a refund of the tax for dyed diesel fuel used for agricultural or horticultural purposes. The bill has an expiration date of July 1, 2031.

### **SB1223** Virginia Energy Plan; amends Plan to include an analysis of electric vehicle charging infrastructure

#### **SUPPORT**

Primary Sponsor: Jennifer B. Boysko

Summary: Transportation electrification; Virginia Energy Plan. Amends the Virginia Energy Plan to include an analysis of electric vehicle charging infrastructure and other infrastructure needed to support the 2045 net-zero carbon target in the transportation sector.

## **TRANSPORTATION (FUNDING)**

### **HB2071** Transportation funding; statewide prioritization process; resiliency.

#### **WATCH** *principle*

Primary Sponsor: Kelly K. Convirs-Fowler

Summary: Transportation funding; statewide prioritization process; resiliency. Adds resiliency, defined in the bill, to the list of factors to be considered during the statewide transportation funding prioritization process commonly known as SMART SCALE. The bill also requires that the factors of congestion mitigation, economic development, accessibility, safety, resiliency, and environmental quality be considered relative to the anticipated life-cycle cost of the project or strategy under consideration.

[SB1350](#) Transportation funding; statewide prioritization process, resiliency.

#### **SUPPORT**

Primary Sponsor: Lynwood W. Lewis, Jr.

Summary: Transportation funding; statewide prioritization process; resiliency. Adds resiliency, defined in the bill, to the list of factors to be considered during the statewide transportation funding prioritization process commonly known as SMART SCALE. The bill also requires that the factors of congestion mitigation, economic development, accessibility, safety, resiliency, and environmental quality be considered relative to the anticipated life-cycle cost of the project or strategy under consideration.

### **TREE CONSERVATION**

[HB2042](#) Replacement and conservation of trees during development.

#### **SUPPORT** *priority*

Primary Sponsor: Nancy D. Guy

Summary: Replacement and conservation of trees during development. Gives a locality the ability to exceed general requirements in its tree replacement and conservation ordinances in specific circumstances, including development that impacts stormwater permit requirements, recurrent flooding, formerly redlined areas, and comprehensive plan compliance.

[SB1199](#) Conservation easements; construction.

#### **WATCH**

Primary Sponsor: J. Chapman Petersen

Summary: Conservation easements; construction. Provides that an easement held pursuant to the Virginia Conservation Easement Act or the Open-Space Land Act be liberally construed in favor of achieving the conservation purposes for which it was created.

[SB1393](#) Trees; replacement and conservation during development.

#### **SUPPORT**

Primary Sponsor: David W. Marsden

Summary: Replacement and conservation of trees during development. Gives a locality the ability to exceed general requirements in its tree replacement and conservation ordinances in specific

circumstances, including development that impacts stormwater permit requirements, recurrent flooding, formerly redlined areas, and comprehensive plan compliance.

## **UTILITIES**

[HB1835](#) Electric utilities; rate reductions.

### **SUPPORT**

Primary Sponsor: Suhas Subramanyam

Summary: Electric utilities; rate reductions. Eliminates provisions that limit any rate reduction ordered by the State Corporation Commission in the first triennial review of Dominion Energy Virginia after January 1, 2021, to \$50 million in annual revenues and provides that in any triennial review, regardless of whether the Commission has ordered bill credits, the utility earned above its authorized rate of return during the test period under review, or the utility has made a request regarding any customer credit reinvestment offsets, the Commission may order any rate reduction it deems necessary and appropriate unless it finds that the resulting rates will not provide the utility with the opportunity to (i) fully recover its costs of providing its services and (ii) earn not less than a fair combined rate of return on its generation and distribution services.

[HB1934](#) Public utilities; gas pipelines prohibited in residential subdivisions.

### **SUPPORT** *priority*

Primary Sponsor: Marcus B. Simon

Summary: Public utilities; gas pipelines in residential subdivisions. Prohibits a public service corporation or other utility from constructing or installing a gas pipeline greater than 12 inches in diameter under any public road or state highway within a residential subdivision including under the median or any sidewalk running parallel to any such public road or state highway without prior written application and approval by the board of supervisors or other governing body of the locality in which such public road or state highway is located. Violations of the prohibitions are subject to a penalty of \$10,000 per each day of noncompliance. The bill also provides that any land use permit or other permit or any grant of use of right-of-way issued prior to July 1, 2021, by any agency or department of the Commonwealth, including the Department of Transportation, or of any locality, in connection with the construction or installation of any pipeline subject to the provisions of this bill, shall be void until the public service company or other utility has met the requirements of this bill.

[HB1984](#) Electric utilities; triennial review; rates of return.

### **SUPPORT**

Primary Sponsor: Sally L. Hudson

Summary: Electric utilities; triennial review; rates of return. Provides that the State Corporation Commission, in any triennial review proceeding, including the first triennial review proceeding conducted after January 1, 2021, for Dominion Energy Virginia, may use any methodology it finds

consistent with the public interest to determine fair rates of return on common equity for the utility's generation and distribution services. In any such triennial review, regardless of whether the utility earned above or below its authorized rate of return during the test period under review, the Commission also may order any increases or decreases to the utility's rates for generation and distribution that it deems necessary and appropriate, as long as the resulting rates provide the utility with the opportunity to (i) fully recover its costs of providing its services and (ii) earn an authorized rate of return.

**HB2048** [Electric utility regulation; purchasing from competitive suppliers.](#)

**SUPPORT** *principle*

Primary Sponsor: Jeffrey M. Bourne

Summary: Electric utility regulation; purchasing from competitive suppliers. Authorizes individual retail customers of electric energy to purchase electric energy provided 100 percent from renewable energy from any licensed competitive supplier of electric energy, including any incumbent electric utility.

Currently, such customers may purchase electric power from such suppliers, other than an incumbent electric utility that is not the incumbent electric utility serving the exclusive territory in which the customer is located, only if their incumbent electric utility does not offer an approved tariff for electric energy provided 100 percent from renewable energy. The measure also provides that a cooperative utility customer eligible to take service under a tariff for electric energy provided 100 percent from renewable energy is prohibited from purchasing electric energy provided 100 percent from renewable energy from a licensed supplier, except such customer is authorized to continue purchasing renewable energy pursuant to the terms of a power purchase agreement in effect on the date the cooperative serving it filed with the Commission such tariff for electric energy provided 100 percent from renewable energy for the duration of such agreement.

The measure requires that, within three months after the enactment of this act or within three months after beginning to offer a 100 percent renewable energy product to residential customers, whichever is later, licensed competitive suppliers that offers 100 percent renewable energy to residential customers in the service territory of Dominion Energy Virginia or Appalachian Power, to submit a proposal to the State Corporation Commission for consideration and approval to offer discounted service to low-income customers. The measure requires such proposal to include a 100 percent renewable product to be offered to a minimum number of low-income customers at a rate ten percent lower than the incumbent electric utility's standard residential rate for non-renewable supply service for a minimum initial term of twelve months.

## **WORKERS' COMPENSATION**

**HB1985** [Workers' compensation; presumption of compensability for COVID-19.](#)

**SUPPORT**

Primary Sponsor: Chris L. Hurst

Summary: Workers' compensation; presumption of compensability for COVID-19. Establishes a presumption that COVID-19 causing the death or disability of health care providers who as part of the provider's employment are directly involved in diagnosing or treating persons known or suspected to have COVID-19 is an occupational disease compensable under the Workers' Compensation Act. The provisions of the bill will be effective retroactive to January 1, 2020.

[HB2015](#) Essential workers; hazard pay, employer to provide personal protective equipment, civil penalty.

**WATCH**

Primary Sponsor: Hala S. Ayala

Summary: Essential workers; hazard pay; personal protective equipment; civil penalty. Requires, that following the declaration by the Governor of a state of emergency that includes or is followed by any additional executive order in furtherance of such declaration that includes a stay-at-home or shelter-in-place order, employers shall (i) compensate each of their essential workers at a rate not less than one and one-half times the essential worker's regular rate of pay for any hours worked during the closure order and (ii) provide their essential workers with personal protective equipment related to the state of emergency and recommended for the relevant work site or job task by the Virginia Department of Labor and Industry, the State Department of Health, the U.S. Centers for Disease Control and Prevention, or the federal Occupational Safety and Health Administration. The bill defines "essential worker" as an individual employed as a health care provider, home care provider, or airport worker or by an essential retail business, as specified in the bill. The bill subjects violators to the same civil penalties, and provides the same cause of action for an employer's failure to pay the required hazard pay, as are currently imposed for failing to pay wages generally.

[HB2080](#) Workers' compensation; presumption of compensability for certain diseases.

**WATCH**

Primary Sponsor: Kelly K. Convirs-Fowler

Summary: Workers' compensation; presumption of compensability for certain diseases; local authority to apply to certain emergency services personnel. Adds full-time, salaried emergency medical services personnel employed by any locality that has authorized such presumption by ordinance to the list of persons to whom, after five years of service, the occupational disease presumption for death caused by hypertension or heart disease applies.

[HB2103](#) Certain public & private employers to provide earned paid sick time.

**SUPPORT**

Primary Sponsor: David A. Reid

Summary: Paid sick time. Requires public and private employers with 35 or more full-time equivalent employees to provide eligible employees, defined in the bill, with earned paid sick time and paid sick time. The bill provides for an eligible employee to earn up to 40 hours of earned paid sick time depending on the amount of hours the eligible employee has averaged over the previous year or, for

a new employee, is projected to work. An eligible employee shall not earn or use more than 40 hours of earned paid sick time in a year, unless the employer selects a higher limit. The bill provides that earned paid sick time may be used (i) for an eligible employee's mental or physical illness, injury, or health condition; an eligible employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an eligible employee's need for preventive medical care; or (ii) to provide care to an eligible employee's family member, defined in the bill, under similar circumstances.

The bill prohibits employers from taking certain retaliatory actions against employees related to earned paid sick leave and authorizes the Commissioner of Labor and Industry, in the case of a knowing violation, to subject an employer to a civil penalty not to exceed \$150 for the first violation, \$300 for the second violation, and \$500 for each successive violation, if the second or successive violation occurs within two years of the previous violation. The Commissioner of Labor and Industry may institute proceedings on behalf of an employee to enforce compliance with this bill and to collect specified amounts from the employer, which shall be awarded to the employee. Alternatively, an aggrieved employee is authorized to bring a civil action against the employer in which he may recover double the amount of any unpaid earned sick time and the amount of any actual damages suffered as the result of the employer's violation. However, an aggrieved employee is required to seek redress through the employer's human resources department prior to filing an administrative complaint or civil action. The bill has a delayed effective date of January 1, 2023.

### **HB2207** Workers' compensation; presumption of compensability for COVID-19.

#### **SUPPORT**

Primary Sponsor: Jerrauld C. "Jay" Jones

Summary: Workers' compensation; presumption of compensability for COVID-19. Establishes a presumption that COVID-19 causing the death or disability of firefighters, emergency medical services personnel, law-enforcement officers, and correctional officers is an occupational disease compensable under the Workers' Compensation Act. The bill provides that the COVID-19 virus is established by a positive diagnostic test for COVID-19, an incubation period consistent with COVID-19, and signs and symptoms of COVID-19 that require medical treatment. The bill provides that such presumption applies to any death or disability occurring on or after March 12, 2020, caused by infection from the COVID-19 virus, provided that for any such death or disability that occurred on or after March 12, 2020, and prior to December 31, 2021, the claimant received a diagnosis of COVID-19 from a licensed physician, after either a presumptive positive test or a laboratory confirmed test for COVID-19, and presented with signs and symptoms of COVID-19 that required medical treatment.

### **HB2228** Workers' compensation; injuries caused by repetitive and sustained physical stressors.

#### **WATCH**

Primary Sponsor: Elizabeth R. Guzman

Summary: Workers' compensation; injuries caused by repetitive and sustained physical stressors. Provides that, for the purposes of the Virginia Workers' Compensation Act, "occupational disease"

includes injuries from conditions resulting from repetitive and sustained physical stressors, including repetitive and sustained motions, exertions, posture stress, contact stresses, vibration, or noise. The bill provides that such injuries are covered under the Act. Such coverage does not require that the injuries occurred over a particular period, provided that such a period can be reasonably identified and documented and further provided that the employment is shown to have primarily caused the injury, considering all causes.

[\*\*SB1275\*\*](#) Workers' compensation; presumption of compensability for certain diseases.

**WATCH**

Primary Sponsor: David W. Marsden

Summary: Workers' compensation; presumption of compensability for certain diseases. Adds salaried or volunteer emergency medical services personnel to the list of persons to whom, after five years of service, the occupational disease presumption for death caused by hypertension or heart disease applies.

[\*\*SB1342\*\*](#) Workers' compensation; presumption of compensability for COVID-19.

**SUPPORT**

Primary Sponsor: Jill Holtzman Vogel

Summary: Workers' compensation; presumption of compensability for COVID-19. Establishes a presumption that COVID-19 causing the death or disability of firefighters, emergency medical services personnel, law-enforcement officers, and correctional officers is an occupational disease compensable under the Workers' Compensation Act. The bill provides that the COVID-19 virus is established by a positive diagnostic test for COVID-19, an incubation period consistent with COVID-19, and signs and symptoms of COVID-19 that require medical treatment. The bill provides that such presumption applies to any death or disability occurring on or after March 12, 2020, caused by infection from the COVID-19 virus, provided that for any such death or disability that occurred on or after March 12, 2020, and prior to December 31, 2021, the claimant received a diagnosis of COVID-19 from a licensed physician, after either a presumptive positive test or a laboratory confirmed test for COVID-19, and presented with signs and symptoms of COVID-19 that required medical treatment.

[\*\*SB1375\*\*](#) Workers' compensation; presumption of compensability for COVID-19.

**SUPPORT**

Primary Sponsor: Richard L. Saslaw

Summary: Workers' compensation; presumption of compensability for COVID-19. Establishes a presumption that COVID-19 causing the death or disability of firefighters and emergency medical services personnel is an occupational disease compensable under the Workers' Compensation Act. The provisions of the bill will be effective retroactive to March 1, 2020.

## ZONING

[HB1844](#) Zoning; special exceptions.

### **SUPPORT**

Primary Sponsor: Michael P. Mullin

Summary: Zoning; special exceptions. Grants governing bodies the same authority as boards of zoning appeals with regard to imposition of certain conditions upon permits for special exceptions, including limiting the duration of a permit.

[HB1917](#) Local planning and zoning; publication of certain notices on locality's website.

### **SUPPORT**

Primary Sponsor: Martha M. Mugler

Summary: Publication of certain notices on locality's website. Provides that in any instance in which a locality is required to publish certain notices related to local planning and zoning in a newspaper having general circulation in the locality, the locality may instead choose to meet such requirement by publishing the notice on the locality's website.