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City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 4, 2024
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: JAMES F. PARAION, CITY MANAGER

DOCKET TITLE:
Mandatory and Permissive Authority Granted by 2024 General Assembly Action

ISSUE: Mandatory and Permissive Authority Granted by 2024 General Assembly Action

RECOMMENDATION: That City Council:

- (1) Receive information regarding new laws that mandate City action, including action that may be required of Council, and;
- (2) Review what new, permissive authority it wishes to exercise, and;
- (3) Provide direction to staff.

BACKGROUND: Virginia courts recognize no inherent local government powers; this is the legal doctrine known as “Dillon’s Rule.” As a Dillon Rule state, the governing authority of Virginia localities is expressly limited to what is expressly granted to them by the legislature, by state statute, or written in their municipal charter.

Therefore, each session of the General Assembly, bills may be passed and signed into law which grant localities certain governing authority; this authority may be mandatory or permissive. Once these laws go into effect and this authority is granted, it falls to the locality to appropriately implement whatever mandatory authority is required of them and determine whether they want to take advantage of any permissive authority granted to them by the General Assembly.

During the 2024 session of the General Assembly, legislation was passed, and signed into law by the Governor, that in some cases mandates localities to act, and in other cases grants permissive authority to localities in several subject areas.

Information on the new laws which mandate City action is provided here for your awareness, and City staff will work to implement these changes as necessary.

New laws which provide permissive authority to the City are presented with information from staff subject matter experts in City Departments and Agencies that would be impacted by new, permissive authority and have provided guidance to Council for their consideration as to what permissive authority it wishes to exercise.

DISCUSSION: Several new laws require action by the City in order to comply with these new mandates. These mandates include analysis of the mandate and staff feedback on what is required in order for the City to be in compliance with these mandates:

1. *Bill Number:* HB 1108/SB 18

Description: Procurement - This new law sets out the requirements for the use of construction management or design-build contracts by state public bodies, local public bodies, and covered institutions.

Staff Analysis: Staff advises that the City will likely need to make changes to our municipal code and the City's Procurement Manual in order to address the requirements of the new law.

2. *Bill Number:* SB 544

Description: Short-Term Rentals - This new law prohibits a locality from barring the use of or requiring that a special exception, special use, or conditional use permit be obtained for the use of a residential dwelling as a short-term rental where the dwelling unit is also legally occupied by the property owner as his primary residence

Staff Analysis: Staff advises that while this mandate does not require the City to do anything at this time, any changes to the City's short-term rental ordinance would need to comply with this mandate. Staff will be mindful of this prohibition in our upcoming work on short-term rentals.

3. *Bill Number:* HB 634/SB 308

Description: Short-Term Rentals - This new law prohibits a locality from enacting or enforcing an ordinance that bans the rental of residential dwelling units for 30 consecutive days or longer. The bill allows a locality by ordinance to regulate such rental if such regulations (i) are reasonable and (ii) do not exceed the requirements for an owner-occupied residential property or a residential property rented for a lease term of 12 months or more in the same zoning district.

Staff Analysis: Staff advises that Alexandria has no such provisions in our existing short-term rental ordinance. Staff will be mindful of this legislation as we study short-term rentals, although most short-term rentals are for periods considerably shorter than 30 days.

4. *Bill Number:* HB 1461

Description: Short-Term Rentals This law prohibits a locality from barring an operator, as defined in existing law, from offering such property as a short-term rental solely on the basis that the operator is a lessee or sublessee of such property, provided that the property owner has granted permission for its use as a short-term rental. The bill adds an attestation that the property owner has granted such permission if the operator is a lessee or sublessee to the information that an operator must provide to annually register such short-term rental. The bill permits a locality to limit a lessee or sublessee to one short-term rental.

Staff Analysis: Staff advises that Alexandria has no such provisions in our existing short-term rental ordinance. Staff will be mindful of this legislation as we study short-term rentals.

5. *Bill Number:* HB 925

Description: Towing - This new law requires a towing operator for a parking lot of a multifamily dwelling unit to post written notice on a vehicle providing at least 48 hours' notice to a resident prior to removing a resident's vehicle from such parking lot of the multifamily dwelling unit for an expired registration or expired vehicle inspection sticker and to provide a copy of such notice to the landlord of such multifamily dwelling unit. The new law also provides that a towing operator who fails to comply with these requirements shall be required to reimburse the resident for the cost of the tow and shall be subject to a civil penalty not to exceed \$100.

Staff Analysis: Staff advises us that this new law will require an update to the City's towing ordinance.

6. *Bill Number:* HB 1040/SB 85

Description: FOIA - This new law provides that for purposes of determining whether a quorum is physically assembled, an individual member of a public body who is a person with a disability or a caregiver and uses remote participation counts toward the quorum as if the individual was physically present. The new law also provides that the participation policy adopted by a public body, as required by the Virginia Freedom of Information Act, shall not prohibit or restrict any individual member of a public body who is participating in an all-virtual meeting or who is using remote participation from voting on matters before the public body.

Staff Analysis: The City Attorney's Office is revising the electronic meeting policy and will bring to Council a policy that will apply to all relevant boards, commissions, and committees.

Several other new laws are mandates for the City but require no Council action, are, effectively, self-executing, or are things that the City is already doing by policy or practice.

7. *Bill Number:* HB 1488/SB 413

Description: Legal Notices - This new law standardizes the frequency with which and length of time in which notices of certain meetings, hearings, and other intended actions of localities must be published. It also standardizes descriptive information in such notices related to (a) proposing, amending, or repealing ordinances; (b) local budget adoption; and (c) zoning ordinances and planning-related actions.

Staff Analysis: City Attorney staff advises that this mandate impacts many sections of City code and will effectively impact numerous current practices and that additional analysis is needed to ensure we are taking the appropriate actions in order to comply with these new mandates.

8. *Bill Number:* SB 412

Description: Rabies Clinics - This new law authorizes rabies clinics approved by the appropriate local health department and governing body to offer microchipping and additional animal health vaccines at the discretion of the licensed veterinarian or veterinarians participating in the clinic. It also requires local health departments to submit a report to the Department of Health no later than December 31 of each year that includes (i) the number and location of rabies clinics approved by the local health department and (ii) the number and type of vaccinations administered, the number of microchips administered, and the number of veterinarians and veterinary technicians in attendance at each clinic to determine the type of service utilized.

Staff Analysis: Staff advises that the AWLA already maintains these records for City clinics so there would not be an issue for the AWLA to coordinate the drafting and submission of these reports with the Alexandria Health Department.

9. *Bill Number:* HB 128

Description: Political Canvassing - This new law provides that local ordinances regulating the activities of door-to-door vendors shall not apply to any person participating in certain specified political activities - providing information, opinion sampling, poll-taking, or other similar canvassing activity for a political party or any political campaign committee.

Staff Analysis: City Attorney staff advises that this mandate is self-executing and does not require Council action.

10. *Bill Number:* HB 27/SB 39

Description: Kinship Foster Care - This new law establishes the Parental Child Safety Placement Program to promote and support placements of children with relatives by local boards of social services in order to avoid foster care. This law creates two new mandates. First, that an exception report be submitted to the Virginia Department of Social Services (VDSS) when a foster child is not placed in a kinship foster care situation. Second, for children whose parents agree to an extended safety plan that voluntarily places a child with relatives or fictive kin without transferring legal custody (or other court action), that the parents and DCHS will formalize that arrangement through a time-limited written agreement with several components.

Staff Analysis: Staff advises that this mandate does not require any Council action. Staff reports that VDSS is still developing the templates for these new mandates, which will require some additional work for staff. This is not expected to be a significant burden based on the current foster care placement

numbers for the proposed exception reports; and that currently CPS has only one child who would qualify for the new Parental Child Safety Placement Program.

11. *Bill Number:* HB 599

Description: Budgeting - This new law permits any school board, with the concurrence of the local governing body, to establish a capital reserve fund as a savings account into which it exclusively deposits the local operating funds that remain unexpended at the end of the year for future school division capital expenditures at no additional cost to local taxpayers, subject to certain conditions enumerated in the new law.

Staff Analysis: Staff advises that this is a policy decision between the City Council and the School Board and, should Council want to explore this concept, would require guidance from the City Attorney's Office on interpreting the process for making budget decisions around this.

12. *Bill Number:* HB 1366

Description: Background Checks - This new law establishes a process for local departments of social services to conduct background checks for current or prospective employees and prohibits local departments from employing any person who has been convicted of a criminal offense that relates to his employment.

Staff Analysis: HR staff advises that the employee criminal background check requirement for DCHS in this new law is consistent with current City policy and does not require any action by Council or staff.

13. *Bill Number:* SB 701

Description: Building Permits - This new law provides that if a locality has issued a building permit, despite nonconformance with the zoning ordinance, and a property owner, relying in good faith on the issuance of the building permit, incurs extensive obligations or substantial expenses in diligent pursuit of a building project that is in conformance with the building permit and the Uniform Statewide Building Code, the locality shall not treat such building as an illegal use but rather as a legal nonconforming use. Current law requires that such a project be completed, and a certificate of occupancy issued, in order to receive such protection.

Staff Analysis: Staff advises that this mandate is self-executing and does not require Council action. Staff will institute the necessary internal protocols to ensure that building permits issued under these circumstances are addressed in compliance with state law.

14. *Bill Number:* HB 650

Description: Special Use Permits - This new law provides that the conditions of a special exception or special use permit may include a period of validity; however, in the case of a special exception or special use permit for residential and electrical generation projects, the period of validity shall be no fewer than three years.

The new law also provides that for so long as a special exception, special use permit, or conditional use permit remains valid, no change or amendment to any local ordinance, map, resolution, rule, regulation, policy, or plan adopted subsequent to the date of approval of the special exception, special use permit,

or conditional use permit shall adversely affect the right of the developer or his successor in interest to commence and complete an approved development in accordance with the lawful terms of the special exception, special use permit, or conditional use permit unless the change or amendment is required to comply with state law or there has been a mistake, fraud, or a change in circumstances substantially affecting the public health, safety, or welfare.

Staff Analysis: City Attorney staff advises that this mandate is self-executing and does not require Council action. Staff also notes that Alexandria does not currently require special use permits for this land use and has no valid permits for which construction has not commenced.

15. *Bill Number:* HB 1395

Description: Historic Preservation - This new law provides that the filing of a building permit or demolition application shall stay a locality from issuing any permit to raze or demolish a historic landmark, building, or structure until 30 days after the rendering of the final decision of the governing body of the locality pursuant to a historic preservation ordinance.

Staff Analysis: Staff advises that this new law appears to have the effect of providing additional time for such decisions to be appealed before the decision is executed. Staff will institute the necessary internal protocols to match the timing of building or demolition permits to that specified here. This new law is still under review and the City Attorney's Office and Planning and Zoning will provide guidance to Council in a separate communication at a later date.

16. *Bill Number:* SB 296

Description: FOIA - This new law amends an existing exemption from mandatory disclosure under the Virginia Freedom of Information Act for names, addresses, and phone numbers of complainants furnished in confidence with respect to an investigation of individual zoning enforcement complaints or complaints relating to the Uniform Statewide Building Code or the Statewide Fire Prevention Code made to a local governing body to exempt personal contact information of such complainants as defined in the new law.

Staff Analysis: Staff advises that FOIA requests are highly coordinated by the City Attorney's Office and staff will ensure those FOIA complaints covered under this new law include the exemption of personal contact information of such complainants.

17. *Bill Number:* HB 818

Description: FOIA - This new law amends the definition of "meeting" as it relates to the Virginia Freedom of Information Act (FOIA) to clarify that a gathering of two or more members of a public body is not a meeting if there is no discussion or transaction of any public business, defined in the new law, by the members of the public body and that certain educational trainings are not meetings subject to FOIA.

Staff Analysis: Staff advises that this change is self-executing and no action by Council is needed.

18. *Bill Number:* HB 1040/SB 85

Description: FOIA - This new law provides that for purposes of determining whether a quorum is

physically assembled, an individual member of a public body who is a person with a disability or a caregiver and uses remote participation counts toward the quorum as if the individual was physically present. The new law also provides that the participation policy adopted by a public body, as required by the Virginia Freedom of Information Act, shall not prohibit or restrict any individual member of a public body who is participating in an all-virtual meeting or who is using remote participation from voting on matters before the public body.

Staff Analysis: Staff advises that this change is self-executing and no action by Council is needed.

19. *Bill Number:* HB 1412

Description: FOIA - Amends an existing exemption from mandatory disclosure under the Virginia Freedom of Information Act for names, addresses, and phone numbers of complainants furnished in confidence with respect to an investigation of individual zoning enforcement complaints or complaints relating to the Uniform Statewide Building Code or the Statewide Fire Prevention Code made to a local governing body to exempt personal contact information of such complainants as defined in the bill.

Staff Analysis: Staff advise that Alexandria already complies with this new law.

20. *Bill Number:* HB 1496

Description: Law Enforcement Technology - This new law requires all state and local law-enforcement agencies and sheriff's departments to provide to the Department of Criminal Justice Services (DCJS) a list of surveillance technologies, defined in the bill, procured by such agencies and departments on an annual basis by November 1 of each year.

Staff Analysis: Staff advises that the Police Department and Sheriff's Office will develop comprehensive lists of "surveillance technology" as defined in the new law. The initial development of the list will take some level of effort, but the information is readily available within the Police Department and Sheriff's Office records. Maintaining the list on an annual basis will be a considerably less burdensome task. This work can be completed by existing personnel.

21. *Bill Number:* HB 611

Description: Law Enforcement Reporting - This new law requires every law-enforcement agency and state or juvenile correctional facility to report to the Department of Criminal Justice Services (DCJS) and every local or regional adult correctional facility to report to the State Board of Local and Regional Jails certain information regarding the death of any person who is detained, under arrest or in the process of being arrested, en route to be incarcerated, incarcerated, or otherwise in the custody of such law-enforcement agency or correctional facility.

The new law also provides that any law-enforcement agency or state or juvenile correctional facility that fails to comply may, at the discretion of the Department, be declared ineligible for state grants or funds.

Staff Analysis: Staff advises that the Alexandria Police Department and Sheriff's Office already have detailed internal reporting and investigative requirements in these cases. While the specific reporting requirements have not yet been promulgated by DCJS, it is unlikely that it would cause any additional

workload on Police Department or Sheriff's Office personnel.

22. *Bill Number:* HB 912

Description: Jail Fees - This new law requires that the net profits from the operation of stores and telephonic communication systems in local correctional facilities shall be used within each facility respectively for educational, recreational, or medical purposes for the benefit of the inmates to include behavioral health, substance abuse, reentry, and rehabilitative services and may be expended to pay for the training, salaries, and benefits of employees or contractors whose primary job is to provide such programs and services to the inmates.

Staff Analysis: Staff advises that the Sheriff's Office is working on ensuring compliance with this new law and notes that there may be some potential fiscal impact to the Sheriff's Office from the implementation of this new law.

23. *Bill Number:* HB 242/SB 242

Description: Procurement - This new law removes the prohibition on a public body from requiring an offeror to state in a proposal any exception to any liability provisions contained in a Request for Proposal for information technology. The new law also requires an offeror to state any exception to any contractual terms or conditions in writing at the time of responding to such Request for Proposal, if so requested by the public body, which exception shall be considered during negotiations, but prohibits the public body from basing the scoring or evaluation on such exceptions when selecting offerors for negotiations. Current law only prohibits a public body from requiring an offeror to state in a proposal any exception to the liability provisions of the Request for Proposal.

Staff Analysis: Staff advises that this is self-executing, will have no impact on our current process, and no Council action is required.

24. *Bill Number:* HB 467/SB 354

Description: Real Estate Disclosures - This new law prohibits localities from establishing or enforcing a mandatory disclosure requirement for a real estate licensee, any party to a contract for the sale or listing of residential real property, or any authorized agent of such party.

Staff Analysis: Staff notes that the City does not currently require any such real estate disclosures and advises that this new law is self-executing and does not require any Council action.

25. *Bill Number:* HB 258

Description: Tax - This new law allows for the nonjudicial sale of tax delinquent property when such property is unimproved, one-half acre or less in size, and located within a designated urban redevelopment or revitalization zone.

Staff Analysis: Staff is unsure if Alexandria has any parcels that would qualify for this new provision, as it only applies to property assessed at \$25,000.01 - \$40,000 and must be in an urban redevelopment or revitalization zone, but in the event there are, staff advises that this is self-executing and no Council action is required.

26. *Bill Number:* HB 639/SB 677

Description: Real Estate Assessment Notices - This new law provides that in any locality that conducts an annual or biennial reassessment of real estate or if the tax rate to be applied to the new assessed value has not been established, in the event that the total assessed value of real property would result in an increase of one percent or more in the total real property tax levied, the notice of assessment changes shall state the tax rate that would levy the same amount of real estate tax as the previous year when multiplied by the new total assessed value of real estate.

Staff Analysis: Staff advises that this is self-executing, there is no material change to the City's existing process, and no Council action is needed.

27. *Bill Number:* HB 453

Description: Kinship Foster Care - This new law allows local boards of social services or child-placing agencies to approve kinship foster care parent applicants who have been convicted of certain felony drug offenses if five years have elapsed since the date of the conviction, where under current law 10 years must have elapsed in order to be eligible for approval as a kinship foster care parent. The new law also adds exceptions for certain misdemeanor assault and battery convictions not involving a minor if five years have elapsed since the date of the conviction.

Staff Analysis: Staff advises that this new law should make it easier to approve families to become foster parents for their relative children, who otherwise assessed as an appropriate match, would not be approved due only to older/historical barrier crimes and that no Council action is required to take advantage of this new authority.

In addition to these mandates, localities were granted optional authority that Council may want staff to exercise. The optional authority granted to the City Council by the General Assembly in 2024 includes analysis of the new authority and staff analysis of the authority granted to the City pursuant to these new laws below. Council direction on researching, pursuing, and executing the actions necessary to take advantage of the new authority is required.

1. *Bill Number:* HB 947

Description: Retail Tobacco/Nicotine/Hemp Regulation - This new law allows a locality, by ordinance, to regulate the retail sale locations of tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking for any such retail sale location and may prohibit a retail sale location on property within 1,000 linear feet of a child day center or a public, private, or parochial school.

Any ordinance adopted pursuant to this new authority may not affect a retail sale location which holds a valid ABC retail license or any retail sale location operating before July 1, 2024.

Staff Analysis: Staff notes that from a policy perspective, implementing policy to create healthier environments as the default can limit access to harmful substances without investing in costly new programs. Given that tobacco retailers are often densely clustered in lower-income areas, this is another tool for the City in supporting marginalized youth and preventing additional disparities.

Staff also notes that while this new authority doesn't apply to retailers that hold a valid ABC retail

license (including convenience stores) or retailers in operation before July 1, 2024, it is likely that many potential locations for such businesses are within 1,000 feet of a child day care center or school. Upon Council's direction, staff could add this to the planning work program. There is some potential for this to be a moderately significant amount of work, so adding it to the work program would likely supplant other work.

2. *Bill Number:* HB 234/SB 516

Description: Illegally Operated ATVs - This new law authorizes the governing body of any city to provide by ordinance for the lawful seizure, impounding, and disposition of an illegally operated all-terrain vehicle or off-road motorcycle operated on a highway or sidewalk within such city.

Staff Analysis: This new law is the result of legislation that was a Council priority bill. Staff advises that should Council direct staff to prepare an ordinance to take advantage of this new authority, there would be no impact to T&ES, as the department currently handles motorcycle and scooter seizure, impoundment and disposition and Impound could absorb any additional workload. The Police Department advises that if Council directs staff to prepare such an ordinance, consideration of the circumstances in which these vehicles are impounded should be part of the process.

3. *Bill Number:* HB 1486/SB 121

Description: Vacant Building Registry - This new law permits any county, city, or town to require, by ordinance, the owner of any building that has been vacant for at least 12 months and (i) that meets the definition of "derelict building" in relevant law, (ii) that meets the definition of "criminal blight" in relevant law, or (iii) in which a locality has determined a person is living without the authority of the owner to register such building annually. Under current law, any city and certain towns are permitted to require the owner of any building that has been vacant for at least 12 months and meets the definition of "derelict building" in relevant law to register such building annually.

Staff Analysis: Staff advises that the City currently has a vacant building registry and will work with the City Attorney's Office to ensure that the definition in the new law is included in City Code and an implementing ordinance is drafted to reflect this new law.

4. *Bill Number:* SB 49/HB 478

Description: Neighborhood Revitalization - This new law expands the current provisions of law allowing for the establishment of a community revitalization fund, by ordinance, for the purpose of preventing neighborhood deterioration to apply to all localities. Currently, only the City of Richmond is authorized to establish such a fund.

Staff Analysis: Staff advises that this new authority allows Alexandria to appropriate local money through a community revitalization fund for (1) grants to organizations for construction, renovation, or demolition of structures within the City; (2) infrastructure improvements, and (3) acquisition of blighted structures. To the extent that this an expansion of "the toolbox" for community revitalization, staff can explore that through updates to the Housing Master Plan. Council would need to approve an ordinance to establish this fund.

5. *Bill Number:* HB 619/SB 343

Description: Economic Development - This new law authorizes localities to create military centered community zones. Inside of these zones, localities would be permitted to grant tax incentives, enter into conditioned economic development grant agreements, and provide certain regulatory flexibility for a maximum period of twenty years to businesses looking to locate within the zone.

Staff Analysis: Staff advises that this new law is relatively broad in its description of what could qualify as a military centered community zone. The City Council's economic priorities include direction for City staff, including our AEDP partners, to continually explore opportunities to leverage zones or districts (such as tourism zones and innovation districts) to support economic development. P&Z has not yet identified an opportunity for a military centered community zone in Alexandria but is prepared to work with AEDP to explore this opportunity. Staff notes that localities may experience an unknown revenue impact from this bill as it would enable localities to offer a variety of tax incentives to businesses looking to locate within the zones.

6. *Bill Number:* HB 1287

Description: Towing - This new law addresses predatory towing by granting localities in Planning District 8 the authority to, by ordinance, create a permit system for all towing companies, including towing companies that tow and store or release vehicles within such locality.

Staff Analysis: Staff advises that this would require an implementing ordinance.

7. *Bill Number:* HB 959

Description: Towing - This new law addresses predatory towing by requiring tow operators to get permission from a property owner or their agent before towing a specific vehicle and allows localities to require towing operators to take and keep photos or other evidence substantiating why a vehicle was removed. It also increases the penalty that the Attorney General can collect from towing operators that break the law in Planning District 8, which includes the City of Alexandria.

Staff Analysis: Staff advises that this would require amending the City's towing ordinance to require written authorization and, if desired, regulate monitoring practices that may be used by towing or recovery operators.

8. *Bill Number:* HB 299

Description: Tax: This new law allows a locality to exempt, by ordinance, any dog that served as a police or law-enforcement dog or military working dog from the license tax on the ownership of dogs. The ordinance must include a verification process for the vaccination records of such a dog.

Staff Analysis: Staff advises that if Council wants to exempt former police, law-enforcement or military dogs from the license fee, an ordinance would need to be prepared and adopted. Currently the City does not administer dog licenses; this is outsourced to the Animal Welfare League of Alexandria and a 3rd party, PetData. Currently, the City waives license fees for service animals, so the City could easily set up a similar code in the system as well as through PetData to indicate that the license fee is waived.

Should Council want to take advantage of this authority, the effort would need to address how to confirm that the dog is a retired military or police dog. As far as PetData is aware, there is not a standard form of documentation provided to someone who adopts a retired military or police dog, and while

many pet owners would likely have some form of documentation showing the dog's history of service in one of those capacities, the City would need to determine what forms of proof of service would be accepted.

Any fiscal impact/revenue loss would be negligible.

9. *Bill Number: SB 336*

Description: Automated Speed Enforcement: This new law allows a state or local law-enforcement agency to place and operate a photo speed monitoring device at a high-risk intersection segment, defined in the bill, located within the locality for the purpose of recording violations resulting from the operation of a vehicle in excess of the speed limit, provided that such law-enforcement agency certifies that a traffic fatality has occurred since January 1, 2014, in such segment.

The new law provides the same requirements for such devices, information collected from such devices, and any enforcement actions resulting from information collected from such devices as current law applies to the use of such devices in school crossing zones and highway work zones.

Staff Analysis: While Council has included expanded authority related to automated speed enforcement in its legislative priorities and principles, the authority granted in this new law to localities is extremely limited.

Should Council direct staff to pursue this new authority, staff will first need to determine how many “high risk intersection segments,” as defined in this new law, there are within the City. Since January 1, 2014, there have been approximately 43 traffic fatalities within the City limits; each of these would have to be reviewed as to whether they occurred within the definition of “high-risk intersection segment.”

Should any such segments be identified within the City, T&ES and Verra Mobility (the City’s speed camera contractor) will have to engage in the process to determine the viability of the placement of cameras in the identified segments. This process can take upwards of six months. Should devices be installed at one or more locations utilizing this new authority, a number of Police Department FTEs would be needed to review violations, as required by Code. This number will not be known until the number of viable camera locations has been identified.

In addition, staff will need to confirm with the City Attorney's Office whether an update to City Code would be necessary to implement this new authority.

10. *Bill Number: HB 894/SB 734*

Description: FOIA: This new law expands the authority of certain public bodies to convene all-virtual public meetings to no more than two times per calendar year or 50 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. Current law limits the number of all-virtual public meetings to no more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. Note that this new flexibility does not apply to local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and boards with the authority to deny, revoke, or suspend a professional or occupational license.

The new law also provides that with respect to all-virtual public meetings, when audio-visual

technology is available, a member of a public body shall, for purposes of a quorum, be considered absent from any portion of the meeting during which visual communication with the member is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails.

Staff Analysis: Staff advises that City Council will need to adopt an updated Electronic Meeting Policy resolution for Council to include the requirements of this new law and updated definitions. This resolution will need to be adopted prior to the next Council session in September.

In addition, the City Clerk's Office will notify City boards, commissions and committees of the changes and request that they submit an updated annual electronic meeting policy for their respective bodies acknowledging the changes, setting a new schedule of all-virtual public meetings as necessary, and reflecting compliance with the new law. This information will be updated in the handbooks for staff liaisons and members as well.

11. *Bill Number:* HB 914

Description: Historic Preservation: This new law allows a locality that establishes a local historic district to provide tax incentives for the conservation and renovation of historic structures in such district and provides that such incentives may include tax rebates to the extent allowed by the Constitution of Virginia.

Staff Analysis: This new law is still under review and the City Attorney's Office and Planning and Zoning will provide guidance to Council in a separate communication at a later date. Staff advises that having this option available may prove useful in the future, probably under limited circumstances, such as if an economic development or affordable housing project were to locate in an historic building.

12. *Bill Number:* HB 459/SB 121

Description: Tree Canopy: This new law expands authority of localities in Planning District 8 - which includes the City of Alexandria - to adopt an ordinance providing for the planting and replacement of trees during the development process by allowing a tree canopy fund that currently applies to the planting of trees on public property to include maintenance of trees on public property and planting and maintenance of trees on private property.

Staff Analysis: This new law is still under review and the City Attorney's Office and Planning and Zoning will provide guidance to Council in a separate communication at a later date.

13. *Bill Number(s):* HB 1019 and HB 1392

Description: City Employee Benefits: These new laws provide optional authority for localities related to participation in a locality's employee benefit programs.

The first permits any locality to allow participation in its group health insurance program by any non-benefitted employee, including members of governing bodies, if such non-benefitted employee or governing body member is not otherwise entitled to participate, provided that such non-benefitted employees reimburse the locality for the full cost of their participation. The bill provides that reimbursement may include forgoing all or a part of a local government salary.

The second authorizes any locality to include in its group life, accident, and health insurance programs

any person to whom coverage could be extended under the provision of current law that sets out who may be covered under a private group accident and sickness insurance policy.

Staff Analysis: HR staff advises that this optional authority would be a policy change that Council may want to direct staff to consider, including consideration of the fiscal impact of such a policy change.

14. *Bill Number:* HB 62/SB 93

Description: Animal Cruelty: This new law allows any locality to establish an animal cruelty registry for public access on the website of such locality or its local police department. The registry may include the names and relevant information of persons convicted of certain felony offenses for animal cruelty and that a person on such registry may request removal of his name after 15 years, provided that he has no additional felony convictions of an animal cruelty offense.

Staff Analysis: Staff notes that the registry the registry only applies to felony animal cruelty cases and there are currently no such convictions in the City, although there is one currently going through the courts. Staff advises that if directed to establish an animal cruelty registry, Council would be required to adopt an ordinance and staff would need to develop forms to implement the provisions of the new law, including the operation and maintenance of a registry and the removal of records on persons who are deceased, whose convictions have been reversed or who have been pardoned, or who is eligible for and has requested removal from the registry. In addition, as all costs to establish, organize, and maintain an animal cruelty registry must be borne by the City, there would be a fiscal impact to the City for such a registry.

15. *Bill Number:* HB 264/SB 157

Description: Legal Notices - This new law allows for the publication of local government legal notices to be published in online-only publications under certain conditions, including being certified by the circuit court.

Staff Analysis: This new law is still under review and the City Attorney's Office and Planning and Zoning will provide guidance to Council in a separate communication at a later date. Staff advises that they are not yet aware if any of the local online-only news sources will be pursuing certification, as required in this new law. Changing the venue for legal notices would involve an evaluation of whether doing so would result in better outcomes, including broader knowledge of the notices being published by all members of the public.

16. *Bill Number:* HB 1415

Description: Historic Preservation - This new law authorizes any locality to adopt an ordinance establishing a civil penalty for the razing, demolition, or moving of a building or structure that is located in a historic district or that has been designated by a governing body as a historic structure or landmark in violation of an ordinance that no such building or structure shall be razed, demolished, or moved without the approval of a review board. The new law provides that such civil penalty shall not exceed the market value of the property as determined by the assessed value of the property at the time of razing, demolition, or moving of the building or structure.

Staff Analysis: This new law is still under review and the City Attorney's Office and Planning and

Zoning will provide guidance to Council in a separate communication at a later date. Staff advises that Alexandria already has a civil penalty for demolition of historic structures which complies with this new law. Council recently approved increases in civil penalties, of which this would be a Class One violation. The maximum penalty in the newly passed schedule is 100% of the market value of the property, which is within the cap set by the new law.

17. *Bill Number:* HB 281/SB 13

Description: Day Care Zoning - This new law allows any locality to, by ordinance, provide for the waiver of any requirements for zoning permits for the operation of a child day program in an office building, as defined by the bill, provided that such facility satisfies the requirements for state licensure as a child day program.

Staff Analysis: Staff advises that day care centers are already permitted uses in Alexandria's commercial and mixed-use zones. However, this additional authority would require Council to pass an ordinance to implement. Council may want to direct staff to consider the impacts of this authority and report back to Council with this information at a later date as it considers the impact of new childcare programs on the stability of existing child care programs and understands the landscape of parent need for non-traditional work hours and days.

18. *Bill Number:* HB 755

Description: Code Enforcement - This new law allows localities, by ordinance, to charge enhanced civil penalties for certain local property violations on property that is zoned or utilized for industrial or commercial purposes.

Staff Analysis: Staff advises that Alexandria's recently approved civil penalties comply with the caps in this legislation. The maximum penalty for Class Two through Five violations is \$3,000, which is the maximum allowed by this legislation.

19. *Bill Number:* HB 1429/SB 483

Description: Tax - This new law provides that that farm machinery, farm equipment, and farm implements (other than farm machinery designed solely for the planting, production or harvesting of a single product or commodity) used by an indoor, closed, controlled-environment commercial agricultural facility are a class of farm machinery and implements that a locality may exempt from personal property taxation. Under current law, farm animals, grains and other feeds, agricultural products, farm machinery, and farm implements are defined as separate items of taxation for purposes of the tangible personal property tax. Localities are authorized to exempt such items from tax or to tax them at a different rate than the rate applicable to the general class of tangible personal property.

Staff Analysis: Staff advises that if Council wants to exempt or tax certain farm machinery (i.e., business personal property) at a lower rate under this new law, they would need to adopt an ordinance. This bill extends the definition of farm equipment to include "indoor, closed controlled-environment commercial agricultural facility" which would include "indoor vertical farming or a greenhouse." Staff advises that there may be at least one greenhouse in the City, at Greenstreet Gardens on West Braddock Road. Since the FY25 budget has already been adopted, if Council were interested in this, the FY26 budget process would be the proper forum.

20. *Bill Number:* HB 1503

Description: Tax - This new law authorizes the governing body of a locality to allow its treasurer or other collecting official to enter into an installment agreement lasting up to 72 months for payment of taxes by a taxpayer who has been assessed with omitted taxes.

Staff Analysis: Staff advises that the City currently establishes payment plans for various reasons, including when a taxpayer has been assessed with omitted taxes. Finance presents a year-end recap of delinquent tax collections to Council each November; should a need for Council action to take advantage of this additional authority in order to extend payment plans of this length, staff could reference this legislation in that docket item to present for Council's consideration.

ATTACHMENT:

1. 2024 General Assembly Authority Bills

STAFF:

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Gloria Sitton, Clerk, Alexandria City Council
Shawn B. Lassiter, Assistant City Attorney
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