



Legislation Details (With Text)

File #:	14-4906	Name:	
Type:	Written Report	Status:	Agenda Ready
File created:	1/28/2016	In control:	City Council Public Hearing
On agenda:	1/30/2016	Final action:	
Title:	Consideration of an Update on the 2016 General Assembly Session.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. 14-4906_Attachment 1 - City Package Status for 1-26-16 City Council Meeting.pdf, 2. 14-4906_Attachment 2 - Recommended Status on Bills of Importance to City - for 1-26-16 City Council Meeting.pdf, 3. 14-4906_After Items		

Date	Ver.	Action By	Action	Result
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City of Alexandria, Virginia

MEMORANDUM

DATE: JANUARY 24, 2016

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: MARK B. JINKS, CITY MANAGER /s/

DOCKET TITLE:
Consideration of an Update on the 2016 General Assembly Session.

ISSUE: Update on the 2016 General Assembly Session.

RECOMMENDATION: That City Council approve the legislative positions included in Attachment 2 (Recommended Positions on Bills of Importance to the City), as recommended by Council's Legislative Subcommittee.

DISCUSSION: The 2016 General Assembly Session began on January 13 and is scheduled to adjourn on March 12. The deadline for the introduction of legislation was Friday, January 22. As of that date, 2,553 bills and resolutions had been introduced. Many of them deal with perennial issues, such as absentee voting, restoration of civil rights to felons who have completed their prison time, guns, minimum wage, and domestic violence.

City Package. The following bills seek the enactment of proposals addressed in the City's legislative package. Attachment 1 is a more detailed status report on City Package bills.

- A number of constitutional amendments have been proposed in both the House and the Senate to provide for the restoration of civil rights for persons who have been convicted of nonviolent felonies, but completed their sentence, probation, and parole. All are likely to be defeated or carried over for consideration by the 2017 Session.
- Many bills have been introduced to allow for more liberal absentee or early voting. Several would let anyone 65 or older vote absentee; others would allow anyone to vote absentee without providing a reason (the Virginia Code currently allows absentee voting for 11 different reasons, such as being out of town on Election Day, or being ill or disabled); and still others would allow anyone to vote prior to Election Day. The House of Delegates has already defeated a number of these bills. If any of the Senate bills make it to the House, it is unlikely that they will be approved there.
- A number of bills to ban or tax plastic bags, or allow localities to do so, have been introduced. The only one to be heard so far (SB 55, which would allow localities to ban them) was defeated in Committee.
- Legislation (HB 683, SB 105) was introduced to direct a portion of State recordation tax revenues into the Housing Trust Fund; this proposal was recommended by the Virginia Housing Commission.
- Bills seeking to raise the minimum wage are quite popular this year. Some would raise it to a specific level, with further increases in future years. Others (e.g., HB 995, Delegate Levine) would allow each locality to set a minimum wage for employees within its borders. No action has yet been taken on these bills.
- Bills have been introduced in the House and Senate to correct NVTa legislation which now calls for the use of population *projections*, when population *estimates* should actually be used. HB 190 (Delegate Bulova) was approved in Subcommittee 7-0. The Senate bill (SB 413, Barker) will be heard in Committee this week.
- Legislation has been introduced to “Ban the Box” (prohibit State agencies from asking on employment applications whether the applicant has ever been charged with or convicted of any crime, unless the position was a “sensitive” one). As Council knows, the City has already implemented such a policy. Governor McAuliffe has done so at the State level by Executive Order. Without legislation requiring the Ban the Box prohibition, a future Governor could rescind McAuliffe’s Executive Order.
- Legislation was introduced in both houses to further limit the interest that can be charged on payday and car title loans. Bills have also been introduced to prohibit the location of these loan offices within a

certain distance of a military base or a gambling casino.

- Legislation to limit the retention of police department license plate reader data to 7 days or less has been reintroduced. Last Session, the Governor proposed a 60-day retention period. When the General Assembly insisted on a 7-day retention period, the Governor vetoed the legislation that had been passed.
- Affordable Care Act Medicaid expansion legislation has been introduced, but its passage is doubtful.
- Legislation (HB 329 and SB 299) allowing local transit buses to use amber warning lights has been approved unanimously by the House and Senate Transportation Committees.
- HB 266, which would allow a locality to increase court costs to help support law libraries (the present maximum fee of \$4 would have increased to \$5), has already been defeated.
- HB 716, which would have significantly increased the weight given to congestion mitigation (at the expense of factors such as safety and economic development) when VDOT evaluates proposed transportation projects in Northern Virginia, was defeated (although the patron, Delegate LeMunyon, may try to revive the legislation in an altered form).
- Legislation has been introduced to create a Transit Capital Project Revenue Advisory Board (HB 1359). This Board will study what is needed to address the upcoming shortfall in State funding for transit capital needs, and will recommend additional sources of revenue to address the shortfall.
- Several bills have been introduced in both the House and Senate to put a floor on the 2.1 percent local tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads.
- No legislation has been introduced that would eliminate or alter the City's current authority to regulate child day care providers that are not regulated by the State.
- Legislation (HB 395 and SB 631) making its way the House and Senate will create a process to establish fee schedules for medical provider fees in workers' compensation cases. The legislation is not exactly what local governments or other employers were seeking, but it should lower the fees in the long run, and it has been agreed to as a compromise by the medical community.

Proffers. Legislation introduced at the request of the Virginia Homebuilders would significantly alter the ability of any locality to accept proffers from developers when the locality agrees to a rezoning. This has been a contentious issue between the homebuilders and some local governments (e.g., Chesterfield and Loudoun Counties) for some time, especially with regard to cash proffers (usually a set payment for each new subdivision home to help pay for schools, libraries, etc.). The City does not take cash proffers in rezoning cases

(under State law, the proffers affected by this bill are only rezoning proffers).

A second provision of the legislation (HB 770 and SB 549) would affect the City. It would prohibit a locality from imposing or requiring any limitation on any “matters as building materials, finishes, methods of construction, or design features, on a new residential development or new residential use” including a mixed use development, unless the development is located within an historic district.

Staff is working, as are other localities, to have this second section, if not deleted from the bill, apply only to the interior of new residential developments (so that local governments could not, for instance, require granite countertops). At this time, since the objectionable language is contained in the bill, Council’s Legislative Subcommittee recommends that the City oppose the bill.

Vacant Building Registration. Prior to the 2013 Session, Alexandria had a very active Vacant Building Registration Program. Under State law until that time, all cities and some towns were allowed to require the annual registration of any building g that had been vacant for 12 months or more. Localities were able to charge a \$25 registration fee to help pay for the program’s cost.

In 2013, legislation was passed that limited the program to buildings that were vacant *and derelict*, as derelict is defined in State law (the bill also increased the annual registration fee to \$100). As a result of this legislation, the City’s vacant building database fell from 28 buildings in 2013 to 3 today. Prior to 2013, Alexandria used this vacant building registration authority to maintain current owner information and emergency contact information. The City also monitored these buildings for compliance with the State Maintenance Code so that they did not become neglected and derelict. This is especially important in a densely-populated City such as ours, where large numbers of homes are townhouses or otherwise non-detached. The impact of one poorly kept property can be great on an adjacent property.

Senator Ebbin has introduced a bill (SB 481) which would allow a locality’s registry to include buildings that are vacant *or* derelict. Council’s Legislative Subcommittee has recommended that the City support this legislation.

Domestic Violence. The House Republican Caucus has introduced a series of bills this Session that are aimed at “preventing and combatting” domestic violence. Many of them are bills which the City has supported in the past-although they failed in earlier Sessions. Some of these bills would increase the penalties for those who violate protective orders, especially if they are repeat violators; others would increase penalties for those convicted a second time of stalking. One creates a felony offense for anyone who violates a protective order while in possession of a firearm or other deadly weapon.

The Caucus Package also includes a bill that would make it easier for a victim of domestic violence to carry a concealed weapon, and another that would have the State reimburse a victim for the expense of taking a firearms training or safety course.

Guns. At least 81 bills dealing with handguns or other firearms have been introduced this Session. Some of these seek to tighten the availability of weapons by requiring things such as more extensive background checks, while others would make firearms more readily available by loosening requirements for concealed weapons permits or implementing similar policies. A number of them also would loosen the restrictions on the presence of weapons on school property (Council’s Legislative Subcommittee recommends that the City oppose these). It is likely that any bill that seeks to further restrict weapons will be defeated. In addition, the Governor is expected to veto most any bill that would loosen the regulation of firearms.

State Budget. On December 17, 2015, Governor McAuliffe proposed his State budget for the upcoming biennium (July 1, 2016-June 30, 2018). For local governments, this is the most helpful budget in a number of years. Among the items of interest to the City are these:

- HB 599 (local law enforcement funding) will be increased by 3.9 percent. This should result in an increase of about \$200,000 in FY 17 for the City.
- Alexandria City Public Schools are projected to receive \$43.3 million in State funds in FY 17, and \$46.5 million in FY 18. This compares with about \$40.1 million for the current fiscal year.

- The budget favorably modifies language pertaining to VPI (Virginia Preschool Initiative) eligibility that had been included in the current (FY 2016) budget (the eligibility standards, if not changed, would have disqualified a number of Alexandria families from the program).
- A \$10 million appropriation is included each year for the Virginia Housing Trust Fund.
- In one item that we hoped he would modify, the Governor retained language requiring some localities to revert a portion of their fines and fees to the State. Although we only revert about \$13,000 annually at this time, there is no rational basis for this reversion to exist.

All these proposals, of course, are subject to General Assembly approval.

The House Appropriations and Senate Finance Committees have until February 21 to decide which of the Governor's budget recommendations to accept and which to reject. In addition, they could make their own proposals for changes that could help or hurt local governments. Final agreement on the budget by the two bodies is not usually reached before the last day or two of Session, and sometimes later.

ATTACHMENTS:

Attachment 1. Current Status of City Package Bills, January 21, 2016

Attachment 2. Recommended Positions on Bills of Importance to the City, January 25, 2016

STAFF: Bernard Caton, Legislative Director