



Legislation Details (With Text)

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City of Alexandria, Virginia

MEMORANDUM

DATE: JANUARY 28, 2020
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: MARK B. JINKS, CITY MANAGER /s/

DOCKET TITLE:
Update on the 2020 Virginia General Assembly Session.

ISSUE: Update on the 2020 General Assembly Session.

RECOMMENDATION: That City Council approve the legislative positions included in Attachments 1 and 2 (Recommended Positions on Bills of Impact to the City), as recommended by Council's Legislative Subcommittee (Mayor Wilson and Vice Mayor Bennett-Parker) at the Subcommittee's January 17 and 24 meetings.

DISCUSSION: The 2020 General Assembly Session began on January 9 - January 28th is the 21st legislative day of the session. Since this is a long legislative session with the General Assembly in session for 60-days this year, sine die is currently scheduled for March 7. Crossover will occur on February 11 and the House and Senate will present their budgets on February 16. Sarah Taylor, the City's Legislative Director, will continue to

represent the City in Richmond throughout the General Assembly Session.

The deadline for the introduction of legislation was Friday, January 17. This session, 3,136 bills and resolutions have been filed and are in the process of being acted upon by the General Assembly. Recommended positions on 240 total bills have been completed by staff and approved by the Legislative Subcommittee for this session. Those approved at the most recent Legislative Subcommittee meetings are included in the attached documents for your final approval.

Legislative Package - The City's 2020 Legislative Package has the proposals organized into two sections - Legislative Principles and Legislative Priorities.

The section of Legislative Principles is structured around the City's Strategic Plan and creates a clear nexus between the City's goals and the legislative and funding measures necessary for us to achieve these goals. In general, the Legislative Principles are broadly crafted and focus on comprehensive legislative strategies rather than specific legislative tactics.

Legislation that aligns with and supports the City's Legislative Principles has been filed in each area, including: affordable housing authority; anti-discrimination in the areas of housing, employment, credit and public accommodations; procurement flexibility for localities; common sense gun safety, including "red flag" laws and stronger background checks for all gun buyers; decriminalization of marijuana possession and the decriminalization of HIV; local authority regarding war memorials on public property; banning conversion therapy for LGBTQ youth; automated speed enforcement; single use plastic and Styrofoam products; taxing e-cigarettes and vaping products; raising the tax on tobacco products; and protecting vulnerable road users.

Some pieces of legislation that align with the City's Legislative Principles saw action this week, including:

- The House General Laws Housing Subcommittee passed HB 1663 (Sickles), The Virginia Values Act. This bill includes sexual orientation and gender identity in employment, public accommodation and housing non-discrimination acts and was endorsed by virtually every industry that had previously opposed it.
- HB1514 (McQuinn) prohibits discrimination based on traits historically associated with race, including hair texture, hair type and protective hairstyles such as braids, locks or twists.
- A "net neutrality" bill, HB70 (Carter), would have prohibited providers of broadband services from throttling, blocking, or prioritizing on the basis of content, format, host address or source. The bill was tabled 6-0 in the House Counties, Cities and Towns Land Use subcommittee.
- The Senate passed SB 245 (Surovell) which, if it passes in the House of Delegates, would make the commonwealth the 20th state to prohibit LGBTQ conversion therapy for people under the age of 18. The bill, which would amend Virginia's statutory law to state that no counselor can lawfully "engage in conversion therapy with a person under 18 years of age," passed on a 21-18 vote.
- The Senate Judiciary Subcommittee on Civil Law referred SB659 (Surovell) to the full committee with a 4-4 vote. The bill would reform Virginia's negligence laws to more fairly compensate vulnerable road users injured in accidents by shifting to a comparative negligence standard (vs. contributory negligence standard) for these kinds of accidents. Currently, a vulnerable road user injured in an accident may be barred from pursuing an injury claim if they are found to be even 1% at fault for the accident.

The City's Legislative Priorities are, generally, specific revenue and legislative proposals that the City has identified as the issues of greatest impact to the City. These are the issues the City intends to continue expending significant political capital on and the issues that we intend to ask our General Assembly delegation

to engage in on behalf of the City.

Legislation and budget items that align with and support the City's Legislative Priorities include:

- \$65 million in bond proceeds in the FY 2020-2022 budget in support of the City's CSO project;
- Budget amendments to remove the "one-time, final payment" language from the "caboose" budget that granted the City the initial \$25 million in bond proceeds for the City's CSO project;
- Restoration of funding to the Northern Virginia Transportation Authority (NVTA);
- Incrementally increasing the minimum wage to \$15 per hour;
- Efforts to reform the redistricting process in Virginia;
- Allowing Virginia to participate in the Regional Greenhouse Gas Initiative;
- Transitioning the statewide electricity supply to carbon-free sources;
- Allowing undocumented immigrants to obtain a driver's license or driver privilege card.

Some bills that align with the City's legislative priorities saw action and success this week.

- SB35 (Surovell) would give localities the authority to regulate firearms in government buildings, in local parks, and at permitted events on public property, including protests. This bill passed out of the Senate on a party line 21-19 vote and is awaiting action in the House.
- HB 183 (Levine) would give localities with public law libraries the authority to raise the fee on civil court filings from \$4 to no more than \$7. The bill passed out of the House General Laws Committee 14-3 and is currently awaiting action on the House floor.
- Both the House and the Senate are moving forward with legislation to expand absentee voting access to all Virginia residents. HB1 (Herring) and SB111 (Howell) would allow for no excuse absentee voting. Currently, voters wanting to cast a ballot in the 45 days before Election Day have to provide one of 20 reasons for not being able to go to the polls. Reasons can include being out of town, jailed or sick. HB 1 would allow for no-excuses in-person early voting to 45 days. A recent Department of Elections report says the extension could reduce voter confusion, reduce lines on Election Day, and increase voter participation by up to 4%.
- On January 27, the Senate and House both passed the resolution ratifying the Equal Rights Amendment (ERA) to the U.S. Constitution. The resolutions were signed by the Speaker of the House and President of the Senate and will be transmitted to the President and Congress. Since Virginia is the 38th and final state to ratify the ERA, the Speaker noted that she expects the ERA to be enshrined in the Constitution "in short order."

HB 1414, The Transportation Omnibus Bill - The Administration's sweeping transportation funding and safety package is moving quickly through the House of Delegates; but where this road leads to is really anybody's guess. On January 27, the House Transportation Motor Vehicle subcommittee referred the package to the full Transportation Committee by a 6-2 vote.

House Bill 1414, sponsored by Speaker Eileen Filler-Corn, will be considered by the full House Transportation Committee on the morning of January 28. If the Committee approves it, the measure will move next to the House Appropriations Committee for review of its implications for the state budget.

The almost 100-page bill currently includes a number of provisions, including:

- increasing the state gas tax by 12 cents per gallon over three years and then tie it to the rate of inflation rather than the wholesale price of fuel;

- imposing a user fee on owners of high-efficiency or alternative fuel vehicles to compensate for paying less in gas taxes;
- requiring auto safety inspections every two years instead of cutting the annual state inspections entirely;
- cutting vehicle registration fees in half;
- making failure to wear a seat belt a primary traffic offense, which means a driver could be cited for that alone;
- prohibiting open containers of alcohol for passengers as well as the driver;
- banning the hand-held use of cell phones or other mobile devices;
- allowing the use of speed-monitoring cameras in designated highway safety zones, ticketing drivers who exceed the speed limit by more than 10 miles per hour.

Of particular interest to Alexandria is the portion of the bill that purports to make the Northern Virginia Transportation Authority (NVTA) whole, after \$100 million was diverted away from NVTA during the Metro funding efforts in 2018. Last year, a bill to establish new fees and taxes in the Interstate 81 corridor to fund improvements on the highway also included a provision that would distribute some of that revenue-estimated at \$20 million a year-to the NVTA. While HB 1414 outlines \$30 to \$40 million in regional revenue for NVTA, it will actually take \$82 million to fully restore funding to NVTA.

HB 1414 currently limits funding for NVTA to regional increases in the Transient Occupancy Tax (TOT) and Grantor's Tax. The City's position is that NVTA must be made whole through a broad based funding package, including state-wide funding sources, that would limit additional burden on Northern Virginia taxpayers. Staff is also concerned that the effective total TOT rate (state sales tax, regional TOT, local TOT) does not have upward rate room.

We are continuing to work to ensure that HB 1414 ultimately includes a state or state-wide investment in making NVTA whole. Options could include a portion of a gas tax increase or a portion of state recordation taxes raised in Northern Virginia.

Less Ovi, More Holtby - Much of the work in the General Assembly is less about scoring wins and more about stopping bad bills from advancing. This week, we worked to stop a number of bills that would have had a significant negative impact on the City, including:

- HB151 (Samirah) was passed by in the Counties, Cities and Towns Land Use subcommittee on a 7-0 vote. This bill would have overridden all local zoning ordinances to allow construction of one accessory dwelling per single-family dwelling. Accessory dwelling unit was defined as an independent dwelling with a bathroom and a kitchen.
- HB152 (Samirah) was also passed by in the Counties, Cities and Towns Land Use subcommittee on a 6-1 vote. The bill would have overridden local zoning ordinances to require any single-family development or redevelopment to include a portion of "middle housing," defined to include duplexes, townhouses, cottages and similar structures.
- SB 638 (Surovell) was passed by in the Senate Local Government committee on a 6-0 vote. The bill would have required any locality with an existing or planned Metrorail station to require that at least 10 percent of new residential dwelling units in any building that is at least six stories in height be affordable dwelling units, if the proposed project is within one-half mile of an existing or planned Metrorail station. While the City supports tools to increase the affordable housing stock in the City, there were significant concerns by localities that this proposal could actually serve as a disincentive to development around Metro stations.

ATTACHMENTS:

1. Recommended Positions on Bills of Impact to the City Discussed on January 17, 2020
2. Recommended Positions on Bills of Impact to the City Discussed on January 24, 2020

STAFF:

Laura Triggs, Deputy City Manager
Sarah Taylor, Legislative Director