



## Legislation Text

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### City of Alexandria, Virginia

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#### MEMORANDUM

**DATE:** FEBRUARY 23, 2015

**TO:** THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

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

**DOCKET TITLE:**

Update on the 2015 General Assembly Session.

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**ISSUE:** Update (No. 3) on the 2015 General Assembly Session.

**RECOMMENDATION:** That City Council receive this report.

**DISCUSSION:** The 2015 General Assembly Session is nearing an end. Adjournment is scheduled for Saturday, February 28, but there is some talk that it may come a day or two earlier. By midnight Monday (February 23), all committees must have completed action on the bills assigned to them. With the exception of bills that go to conference (those which the House and Senate have passed, but in different forms), floor action on bills must be finished by the end of the day Thursday.

**City Package.** The following bills seek the enactment of proposals addressed in the City's legislative package. Attachment 2 is a more detailed status report on City Package bills.

- HB 1682 and SB 1218 are Charter bills, introduced at the City's request to "clean up" the City Charter. Both bills have now been passed by the House and Senate, and will soon be sent to the Governor.
- HB 1867 seeks to clarify some of the Virginia Code sections dealing with mold remediation in residential rental units. It also seeks to require that tenants be made aware of, and given access to, any written documents produced by the landlord or his contractor relating to the removal and remediation of the mold. This bill has also been approved by the House and Senate, and now goes to the Governor.

- All bills that seek to amend the Virginia Constitution or Code to authorize same sex marriage have been defeated.
- All bills that would have resulted in the automatic restoration of the voting rights of felons who have completed their sentence, probation, and parole (or would have allowed the General Assembly to enact a law to do so) have now been defeated.
- All bills that would have allowed anyone to vote absentee without having to give a reason for doing so, as well as those that would have allowed this only for those over 65 (including SB 719, which was still alive at the time of my last Update) have now been defeated.
- Legislation was defeated that attempted to overturn Attorney General Mark Herring's ruling that students who are not American citizens, but whose presence had been approved under the federal DACA program, can become eligible for in-state tuition. Likewise, a bill that would have codified the Herring ruling was killed.
- Legislation to regulate Transportation Network Companies passed the House and the Senate, and has already been signed into law by the Governor.
- All legislation 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) was defeated.
- Legislation that would limit the retention of police department license plate reader data to 7 days or less has passed overwhelmingly in both the House and the Senate.
- Affordable Care Act Medicaid expansion legislation was introduced in the House. As expected, it was easily defeated.

**Real Property Tax Exemptions - House Joint Resolution 597.** As noted in the last Update, HJR 597 proposed to amend the Virginia Constitution to allow the General Assembly to provide a real property tax exemption for the primary residence of the surviving spouse of any public safety employee killed in the line of duty. It was amended in the House so that the General Assembly could only authorize localities to give this tax relief-but not require them to do so. This amendment was also agreed to by the Senate. In order for the proposal to go on the 2016 ballot for approval by the State's voters, a resolution with the same language will have to be approved in the 2016 Session.

**Real Property Tax Exemptions - Surviving Spouses of Military Killed in Action.** Last November, the Virginia Constitution was amended to allow the General Assembly to exempt from taxation the real property of a surviving spouse of a member of the armed forces who was killed in action. Anticipating passage of the amendment, the 2014 Session passed enabling legislation that limited the exemption to those properties worth no more than the average value of a single family home in the locality. HB 1721 sought to remove this cap so that any surviving spouse's home would be exempt from real property taxes-even if it was worth several million dollars.

The Senate Finance Committee amended HB 1721 so that the cap is not removed, but all surviving spouses are entitled to an exemption up to the average value of a single family home in the locality. Thus, if the average

value is \$500,000, and the surviving spouse's home is worth \$900,000, the spouse would pay no tax on the first \$500,000, but would pay tax at the normal rate on the remaining \$400,000.

The full Senate has to approve the bill, and the House has to agree to the Senate amendments before final passage of the bill occurs.

**Variances.** HB 1849, which rewrites a good deal of the state law that governs the way localities and their boards of zoning appeals consider and grant variances, has passed the House, was approved by the Senate Local Government Committee, and now awaits action by the full Senate. As noted in the last Update, the bill makes changes to the definition of a variance, and makes it easier for a property owner to be granted a variance.

**Transportation Issues.** The Governor's omnibus transportation legislation, HB 1887, has passed the House and been approved by the Senate Transportation Committee. It is awaiting action on the Senate floor. Although the Senate Committee made some changes to the bill, most people would consider these to be technical and to pose no danger to the ultimate approval of the legislation.

HB 1470 (La Rock), which requires NVTa transit projects to undergo the same rating process as road projects, has passed both the House and the Senate.

**Guns.** One of the gun bills (SB 1155-requires police to trace the history of any firearm it recovers) that was alive when the last Update was given has now died. In addition, SB 1137 (allows anyone who has a concealed handgun permit to carry a loaded rifle in a vehicle, even if prohibited by a local ordinance) has passed both houses.

The other gun bills covered in the last update have not yet had final action taken on them. These are HB 1702 (allows firearms dealers to perform a background check before selling a firearm that is not in his inventory); HB 2009 (requires a court hearing if a police chief does not act on a certification for a firearms transfer within 60 days; and HB 2029 (allows a concealed handgun permit holder to purchase a firearm without a background check).

**Child Day Care.** As expected, the House and Senate have not agreed on reforms to the State's child day care laws. The House is proposing to lower, from 5 to 4, the maximum number of non-family children a facility can care for without being regulated by the State. The Senate is not asking for any change in the threshold number of children for State regulation, but it is seeking to require that children of the day care provider to be counted in the number of children in the facility (they are not now counted). Other issues still to be decided relate to background checks, and whether persons who have been convicted of barrier crimes can work in these facilities. The House and Senate are expected to reach agreement on these issues sometime next week. Staff does not expect any of the changes to State law to have a significant effect on the City's child day care regulatory programs.

**Renters.** HB 1451, which makes a number of changes in landlord and tenant laws, has now passed both the House and the Senate. The bill will eliminate a current 120-day notice requirement for renters who are on month-to-month leases, and whose building is being sold, redeveloped, converted to a condominium, or changed to some other use.

City staff was unable to find other localities or tenant-support organizations to support the City in its opposition to this provision in the bill.

**Redistricting Reform.** While many bills were introduced to reform the redistricting process, only two were alive by the middle of last week. SB 840 was introduced by a moderate Republican Senator (John Watkins) who is retiring this year after more than 30 years in the General Assembly. It would have provided criteria to be used when redrawing the lines for Congressional and General Assembly districts. These criteria include respect to the maximum extent possible of existing political boundaries; use of "clearly observable physical boundaries" (e.g., streets, rivers, and other natural features); being compact (not oddly shaped or having irregular or contorted boundaries) and contiguous (e.g., if water separates two parts of the district and the water were removed, the two land parcels should touch). The bill was heard in a subcommittee on Thursday morning and defeated on a 4-3 vote.

SJR 284 (co-patroned by Republican Jill Vogel and Democrat Louise Lucas) sought to amend the Virginia Constitution to require the creation of the Virginia Redistricting Commission, consisting of seven non-legislative members. This Commission would be charged with redrawing Congressional and General Assembly district boundaries every 10 years, using the same criteria set out in SB 840. SJR 284 passed the Senate with bipartisan support, but it was defeated in the same House Subcommittee that defeated SB 840 (the Subcommittee never took up the legislation, claiming that they could not do so without the patron present-she was not at the meeting -even though the Subcommittee had taken up and passed two other bills from the same patron).

**State Budget.** As noted in the last Update, the City found some items to like, and others not to like, in the proposed House and Senate budget amendments released on February 8, and communicated its preferences to the conferees who will work out the final details of the budget. The Mayor and his counterparts in the Northern Virginia WMATA localities (the mayors of the cities of Fairfax and Falls Church, and the Board chairs of Arlington and Fairfax Counties) also wrote a joint letter to conferees, asking them not to approve the proposed House budget amendments that would hurt WMATA (by possibly withholding \$108 million in State funds) and NVTC (by severely limiting increases in its administrative and personnel costs).

The conferees' budget proposal is likely to be released early this week.

**ATTACHMENTS:**

Attachment 1. Current Status of City Package Bills, February 20, 2015

Attachment 2. Current Status of Bills on Which the City Has Taken a Position, February 20, 2015

**STAFF:** Bernard Caton, Legislative Director