



2019

Richmond
LEGISLATIVE
PROPOSALS

FOR THE 2019

VIRGINIA
GENERAL
ASSEMBLY
LEGISLATIVE SESSION

2019 Richmond Virginia General Assembly Legislative Proposals

Updated 10.2.2018/1424 hrs.

Part 1. Requests

A. Financing for Public Housing Replacement - The City asks that the General Assembly establish a State Commission led by the Virginia Housing Commission, which includes representatives of the Virginia Housing Development Authority, the Virginia Department of Housing and Community Development, local redevelopment and housing authorities, and local governments with large concentrations of public housing, to identify financing methods that could be developed or employed to assist localities in replacing concentrated public housing units.

B. Mandatory Affordable Dwelling Unit Program - The City requests that §15.2-2304 of the Code of Virginia, which allows certain localities to adopt a mandatory affordable dwelling unit program, be amended to include the City of Richmond.

C. Natural Gas Utility - The City requests the General Assembly to define service territories of municipal natural gas utilities in Virginia and to clarify that natural gas service may be provided only by the municipal natural gas company in those areas. The State Corporation Commission does not define and decide where the municipal natural gas utilities in Virginia can serve natural gas customers. This is needed to ensure that municipal government gas utilities are able to grow and retain the necessary number of customers that municipal natural gas utility services require.

D. Reporting of Stolen Firearms - The City requests that the General Assembly require firearms owners to report the theft or loss of a firearm to local law enforcement or state police within 24 hours after discovery of the loss or theft.

E. Unattended Vehicles - The City requests that the General Assembly require a person who is driving or otherwise in charge of a motor vehicle not to leave the motor vehicle unattended on private or public property until the engine is stopped, the ignition locked, the key removed, and the brake effectively set. State Code on this issue currently applies only to vehicles on a public street, not a parking lot or other private property and it only requires the engine be stopped and that the brake be set.

F. Local Government Lobbying - The City requests that §15.2-1408 of the Code of Virginia, which allows certain localities to adopt ordinances restricting local elected officials and local employees from lobbying for one year after their terms have ended, be amended to include the City of Richmond.

G. Charter Change: Voter Registration or Absentee Balloting Deadlines for Run-Off Elections - The City requests that the General Assembly amend the Richmond City Charter to specify that the deadlines for voter registration or absentee balloting deadlines for run-off elections shall conform with the statewide provisions for such deadlines as provided in Title 24.1 of the Code of Virginia.

(end of requests section)

Part 2. Policy Positions

I. EDUCATION

Public Education Funding – The state public education funding model is broken. It does not reflect the true cost of public education, does not honor the intent of voters who approved earmarking 100% of the lottery proceeds as NEW education funding and ignores the need for 21st century facilities. The funding model is supposed to be a shared responsibility between state and local governments, yet the Commonwealth has failed to fully honor its share of this obligation. As a result, local governments are increasingly bearing an ever-greater proportion of public education costs. This failure is evidenced by per-pupil funding that still trails pre-recession amounts and the additional failure of the General Assembly to enact changes in the standards of quality (SOQ) that were intended to bring the standards in line with statewide prevailing education practices and recommendations by the State Board of Education. The latter results in maintenance of SOQ that does not reflect current practice and whose sole purpose is to depress the required amount of state funding. There are also other costs associated with providing a quality public education that are not even addressed in the SOQ and therefore not funded by the state at any level. Therefore, the City of Richmond supports the following actions:

- Direct JLARC to review the true costs of public education and the State’s responsibility for funding those costs;
- Adopt and fund the 2016 SOQ changes adopted by the State Board of Education;
- Increase the lottery Per Pupil payment from 40% to 50% of total lottery profits in the current biennium, with a formal goal of returning 100% of lottery funds to school divisions in this manner;
- Restore the prevailing cost methodology for the funding of non-instructional school support staff;
- Undertake a comprehensive review of school facility modernization needs and adopt a state financial assistance plan for addressing those needs.

II. TRANSPORTATION

Transit Capital Funding – The City of Richmond supports funding to replace state bond funding for transit capital/state of good repair that will be exhausted in FY 2020. GRTC has received over \$7.1 million over the past three years from this funding source, primarily for bus replacement, support vehicles, computer systems, and related transit support. GRTC would be faced with either reducing services or seeking additional funds from participating local governments just to meet basic state of good repair for buses if historical state funding were not available.

Urban Street Maintenance Funding Formula – The City supports increased state funding for urban streets maintenance coupled with a revision in the distribution formula to: 1) recognize the various types of design and construction present in urban streets; 2) include a component that recognizes traffic counts on urban streets; 3) include a component to prioritize need using either criteria similar to that used for the state maintained primary and secondary highway systems or other professionally accepted criteria for urban street systems; and 4) ensure urban streets are being maintained in a

“state of good repair.” The Virginia Department of Transportation delivered a report on this issue to the 2017 General Assembly detailing the amounts required and the impact of the formula changes.

III. PUBLIC UTILITIES

Combined Sewer Overflow – The City opposes any amendment to the Virginia Pollutant Discharge Elimination System permit for its Combined Sewer Overflow (CSO) system that would require the City to take additional actions beyond those set forth in the existing consent order.

IV. HEALTH AND HUMAN SERVICES

Mental Health and Substance Abuse Services – The City supports additional funding for **Mental Health and Substance Abuse Services** to include:

- community based, recovery-focused mental health, substance abuse and emergency/crisis stabilization services;
- drug treatment facilities for individuals that have addiction problems but who are currently housed in jails or prisons; and,
- mental health training, communication training for prison and jail staff.

STEP Virginia Funding – The City supports full funding in the 2018-2020 biennium budget to meet the implementation timelines mandated in the STEP-VA legislation enacted by the 2017 General Assembly. The 2017 General Assembly mandated that Same Day Access (SDA) and Primary Care Screening (PCS) be implemented by 2019 and the remaining eight services are slated for implementation by 2021. At a minimum, funding will be required for the CSBs still waiting to implement SDA and for all the CSBs to implement PCS. STEP-VA was developed to address: ACCOUNTABILITY, ACCESS, QUALITY, and CONSISTENCY across all Community Services Boards to work toward excellence in behavioral healthcare and ultimately a healthy Virginia. STEP-VA services are intended to foster wellness among individuals and prevent crises before they arise.

Food Deserts – The City supports funding for approaches (including but not limited to a \$5 million appropriation for the Virginia Grocery Investment Fund) that include financial and technical support for businesses to expand and ensure greater access to healthy food for residents of the Commonwealth.

Wrap Around Child Care Services – The City supports efforts to provide seamless, affordable access for the most at-risk families to quality wraparound early childhood services – including home visiting, subsidized child care, and preschool.

Child Support Enforcement – The City supports a review of the Commonwealth’s child support enforcement system focusing on:

- Ensuring that the needs of the child are prioritized;
- Avoiding incarcerating individuals making a good faith effort to pay;
- Finding ways to reduce the impact of child support non-payment on families while individuals are incarcerated.

V. HOUSING

Affordable Housing Trust Fund – The City supports additional state funding for the Virginia Housing Trust Fund. The City also supports providing for a portion of the Fund to be used to provide matching funds to localities that have established local housing funds and grants to be made from the Fund to support innovative housing projects and low- and moderate-income housing projects that are located in areas experiencing extreme shortages of such housing.

Evictions – The City supports the ongoing work of the Virginia Housing Commission to reform the evictions process. The Commission is scheduled to make its recommendations later this fall.

VI. PUBLIC SAFETY

Display of firearms during public demonstrations – The City supports authorizing local governments to ban the display of firearms as a condition of a permit to demonstrate on public property upon a determination that such display would endanger public safety.

Firearms in government buildings – The City supports authorizing local governments to ban firearms in local government buildings to ensure public safety and reduce risk to citizens. The Governor has issued an executive order banning firearms in certain State government buildings and this authority should be extended to local governments.

Firearms purchase background checks – The City supports requiring background checks on all firearms purchase. This includes, closing the gun show loophole and requiring that mental health status be checked.

Military assault-style weapons – The City of Richmond supports a ban on the sale of military assault-style weapons and a limit on the size of ammunition magazines that can be sold.

Restorative Justice – Support funding for restorative justice/ mediation programs that would help individuals with conflict resolution and mediation skills that would teach offenders how to deescalate conflict.

VII. LAND USE

Regulation of Unmanned Aerial Systems – The City supports legislation that would allow local governments to regulate the areas where UAS could be operated within their boundaries. The Federal Aviation Administration has ultimate regulatory authority over all airspace inside the United States and has pre-empted a number of state and local actions that attempt to regulate Unmanned Aerial Systems (UAS). The Code of Virginia currently further pre-empts local regulation of UAS until July 1, 2019. The Code of Virginia also makes it a Class 1 misdemeanor to use UAS to trespass upon the property of another for the purpose of secretly or furtively peeping, spying, or attempting to peep or spy into a dwelling or occupied building located on such property

Extension of Special Use Permits – The City opposes legislation which would allow the extension of special use permits beyond July 1, 2020. The Code of Virginia (15.2-2209.1 (B)) currently allows for any valid special exception, special use permit, or conditional use permit outstanding as of January 1, 2017, and related to new residential or commercial development, any deadline in the exception permit, or in the local zoning ordinance that requires the landowner or developer to commence the project or to incur significant expenses related to improvements for the project within a certain time, extended until July 1, 2020, or longer as agreed to by the locality.

Reform Solar Power Laws – The City supports removing the numerous limits and restrictions on local governments, residents and businesses, in installing solar facilities for their own use. This would include giving local governments more opportunities to install solar on government property and helping residents and businesses in a similar manner.

VIII. FINANCE

Commonwealth Payment of Service Charge in Lieu of Taxes – The City supports full payment by the Commonwealth of service charges levied by local governments on property owned by the Commonwealth in lieu of taxes as specified in § 58.1-3403 of the Code of Virginia.

State Historic Rehabilitation Tax Credit – The state historic rehabilitation tax credit has helped fuel the revitalization of many areas of the City. Legislation enacted in the 2017 General Assembly session limits the amount of historic rehabilitation tax credits that may be claimed by each taxpayer to \$5 million per year, including any amounts carried over from prior taxable years, for taxable years beginning on and after January 1, 2017, but before January 1, 2019. The City opposes any decrease or further extension of this cap.

Interest Rates on Overpayment of Certain Local Taxes – The City supports amending the Code of Virginia to allow a lower rate of interest on tax refunds due to the overpayment of BPOL, business personal property, bank franchise, admission, lodging, and meals taxes. Section 58.1-3916 of the Code of Virginia requires a locality to pay interest on overpayment of local taxes at the same rate charged for delinquent taxes. Requiring identical rates for delinquent penalties and overpayments has created a disincentive for remittance of accurate tax payments.

Local Taxing Authority – The City opposes any efforts to cap, remove or restrict any revenue sources, taxing authority or user fees available to localities. The erosion of local revenue sources reduces local flexibility, increases local government's reliance on the real property tax and jeopardizes local bond ratings. If the state does eliminate or restrict local revenue sources, it should replace those revenues lost to the localities. The loss to localities includes not only current revenues being derived from the revenue source, but also potential increases in revenues due to growth or rate increases.

State Aid to Localities – State aid to localities assists in providing services at the local level, many of which are mandated. The state and localities are in partnership in providing these services to their citizens and localities should not be expected to take on a greater and greater share of the funding responsibility. The City opposes cuts in state assistance programs such as, but not limited to, full funding of State Aid to Local Public Libraries, HB 599 funding for localities with police departments, extension services, local offices on youth, Virginia Juvenile Community Crime Control Act

(VJCCCA) funds and services for senior citizens. The City also opposes any further reduction to the car tax reimbursement to local governments.

IX. GENERAL GOVERNMENT

Freedom of Information Act (FOIA) – Electronic Communication Meetings – The City supports amending the FOIA to provide to local boards and commissions the same authority for electronic communications meetings currently provided to state public bodies with the same or similar requirements for a physical quorum, notice and reporting.

Living Wage Requirement – The City supports adoption of a State policy a policy stating that Virginia is a living wage state as opposed to a minimum wage state. This would require all State and local government employers to provide a living wage and to encourage businesses to do so as well.

Sexual Orientation – The City of Richmond supports amending state law to include sexual orientation as a protected class with regard to housing and employment discrimination.

Redistricting Reform – The City supports efforts to reform the Virginia General Assembly and Virginia Congressional decennial redistricting process through the use of a non-partisan independent commission to draw state legislative and congressional districts.

(end of policy position section)
