

## **STATE LEGISLATURE HEADS FOR THE HOME STRETCH**

### **“HBAV Legislative Agenda Nearly Hits Hiccup”**

The 4th full week of the 2009 session of the Virginia General Assembly ends today. It was Crossover week, which always starts at a very hectic pace, and then slows for the state legislators and others involved, to catch their breath.

CROSSOVER is the date or deadline that is established by both houses of the state legislature that requires legislative bills to be advanced from their house of origin to the other body. In other words, House bills have to be advanced to the State Senate, and Senate bills have to be advanced to the House of Delegates. Measures that fail to advance from their house of origin by the CROSSOVER, will be declared “DEAD” for the 2009 session of the state legislature.

CROSSOVER DAY was on Tuesday of this week. On Monday and Crossover Day, House Delegates and State Senators pushed and scrambled to get their favorite legislation to the opposite house. Committee and Subcommittee meetings are held with very little notice in the mad dash leading to Crossover Day. Fortunately, everyone involved survived the mad dash!

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The HBAV Matrix is the list of legislation the HBAV Legislative Committee establishes as a road map for the HBAV lobbying team. Each bill is reviewed and then assigned a designation of support, oppose or monitor to ensure it does not change to a form that will negatively impact the housing business. The HBAV Matrix was significantly reduced this week. At the beginning of the week, 83 separate House Bills and Senate Bills had been placed on the HBAV Matrix. As of this writing, 30 House Bills and Senate Bills have been removed. For the most part, those 30 measures include legislation that would have negatively impacted the housing business, and have been “killed” for the 2009 Session of the State Legislature.

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The HBAV Legislative Committee met on Wednesday of this week at the Stewart-Lee House in Richmond. It was the first meeting of the committee to be held in the Capitol City since the State Legislature convened on January 8<sup>th</sup>. The committee has been meeting by conference call on Friday afternoon of each week to establish policy and priorities for the 2009 session of the state legislature. Following the noon meeting on Wednesday, HBAV Legislative Committee members, who have relationships with State Senators serving on the Senate Committee on Local Government, were briefed on House Bills 1788, 2029 and 2077, and then walked to the General Assembly Building (GAB) to encourage their State Senators to support all three HBAV priority measures. All three bills will likely be considered by that Senate standing committee on Tuesday afternoon of next week.

## **ALERNATIVE SEPTIC SYSTEM MEASURE BARELY ESCAPES THE HOUSE OF DELEGATES**

**House Bills 1788, by Delegate Hull and by Delegate Merricks** would prohibit a locality from not allowing the use of “alternative” or “non-conventional” on-site wastewater treatment systems that have been approved for use by the Department of Health. The legislation would also prohibit localities from imposing maintenance requirements on such systems more stringent than soon to be required by the Department of Health. The maintenance prohibition will take effect until such regulations are finalized by the VDH. **House Bill 1788 was approved by the House CC&T Committee on a 19 to 2 vote last week.**

This week select local governments turned up their opposition, and the Piedmont Environmental Council lobbied HARD to have HB 1788 defeated on the floor of the Virginia House of Delegates. The measure was initially passed on very close 50 to 48 vote (50 votes were required for passage) and then reconsidered and approved by a 57 to 42 vote.

Following is the House vote to approve the passage of HB 1788:

**YEAS**--Abbitt, Alexander, Amundson, Armstrong, Bowling, Byron, Carrico, Cosgrove, Dance, Fralin, Griffith, Hall, Hamilton, Hargrove, Herring, Howell, A.T., Hull, Iaquinto, Ingram, Janis, Joannou, Johnson, Jones, Kilgore, Knight, Lewis, Lohr, Marshall, D.W., Massie, McClellan, McQuinn, Melvin, Merricks, Miller, P.J., Morgan, Morrissey, Nichols, Nutter, O'Bannon, Oder, Orrock, Peace, Phillips, Pogge, Poindexter, Purkey, Putney, Rust, Saxman, Scott, E.T., Shannon, Sherwood, Spruill, Tata, Ware, O., Ware, R.L., Wright--57.

**NAYS**--Albo, Athey, BaCote, Barlow, Bell, Bouchard, Brink, Bulova, Caputo, Cline, Cole, Cox, Crockett-Stark, Ebbin, Eisenberg, Englin, Frederick, Gear, Gilbert, Hogan, Hugo, Landes, Lingamfelter, Loupassi, Marsden, Marshall, R.G., Mathieson, May, Miller, J.H., Nixon, Plum, Pollard, Scott, J.M., Shuler, Sickles, Toscano, Tyler, Valentine, Vanderhye, Ward, Watts, Mr. Speaker--42.

**If you're House Delegate appears on the "NAY" side of the above vote count, he or she chose local government and the environmental community over housing.** Located at [hbav.com](http://hbav.com) is a "FACT Sheet" on HB 1788. Visit the HBAV web-site to learn more about this important issue to the members of HBAV, and then pick up the phone and call your House Delegate and inquire as to why he or she favors the ability of local government to deny the installation of an Alternative Septic System that has been approved for use in Virginia by the Virginia Department of Health, and by any standard, is better for the environment than a conventional type septic system.

HB 1788 has been assigned to the Senate Committee on Local Government for its first review in the upper chamber of the state legislature.

## **THE REMAINDER OF THE HBAV AGENDA FAIRS BETTER**

**House Bill 2077, by Delegate Glenn Oder of Newport News** is a plan validity extension measure. The measure would extend the period of validity of any preliminary plan, final plan, or associated plan or permit, select conditional use, special use, special exception permits, or limited proffer that is valid and outstanding as of January 1, 2009, until January 1, 2014. **House Bill 2077 was approved by the House of Delegates this week on a 99 to 0 vote.** It has been assigned to the Senate Committee on Local Government.

**House Bill 2029, by Delegate Danny Marshall** would "temporarily" (five years) reduce the 25% bond administrative fee to 10% above the estimated construction cost. This legislation will reduce a landowner's cost and increase his borrowing capacity. **House Bill 2029 was approved by House of Delegates last week on a 91 to 7 vote.** It has been assigned to the Senate Local Government Committee.

**Senate Bill 1335, by Senator Richard Stuart of Stafford** would allow, not require, a local government to waive the requirement for a public hearing in their consideration of an amendment to an existing proffer. Such a waiver could significantly decrease the time required to approve such an amendment.

Many proffers that have been volunteered to local governments in conjunction with a rezoning or other land use decisions have dates or triggers that either require a payment to be made or some other action to take place. Most of those dates or triggers in many proffers were volunteered at a time in the Virginia economy when there was high demand for new housing and that demand had been forecast to continue far into the future.

**Senate Bill 1335 was approved by the State Senate today. It is likely to be assigned to the House CC&T Committee early next week.**

## **DANGERS KILLED!!!**

Many threats to the housing climate were killed this week for this session of the state legislature. Listed below is just a partial list of House Bills and Senate Bills that could have negatively impact the home building business this year.

**House Bill 1582, by Delegate Algie Howell. Employees of home access businesses; penalty.** Requires the owner or operator of a commercial establishment that provides a service that requires the establishment's employees to regularly enter the interior area of the residence of its customers to conduct a criminal background check of employees whose regular duties can reasonably be expected to require entering the interior area of the residences of establishment's customers. Effective September 1, 2009, employers are required to complete a criminal records check on prospective employees, but an employer is not prohibited from hiring an employee on the basis of the results of the criminal records check. Employers are required to keep copies of the fingerprints and records check for such employees. Employers shall provide identification badges to employees and require the employees to wear the badge when they are expected to enter customers' homes. Violations constitute a Class 3 misdemeanor. **Killed**

**House Bill 1640, by Delegate Bob Marshall. Form of deeds and deeds of trust.** Provides that when a corporation, partnership, limited partnership, business trust, or limited liability company is the grantee of a deed or the grantor of a deed of trust, the deed or deed of trust shall contain the names of the registered agents and the directors, officers, partners, etc., of these various business entities. **Killed**

**House Bill 2095, by Delegate Orrock. Board for Contractors; definition of tradesman.** Adds building framers and masonry contractors to the definition of tradesman, thereby requiring these individuals to be licensed by the Board of Contractors. **Killed**

**House Bill 2418, by Delegate Bouchard. Optional provisions of a subdivision ordinance; solar energy.** Strikes language requiring that provisions for establishing and maintaining access to solar energy be applicable to a new subdivision only when so requested by the subdivider. **Withdrawn**

**House Bill 2664, by Delegate Valentine. U.S. Route 29; access management.** Requires the Commonwealth Transportation Commissioner to take all appropriate measures to develop local corridor access management plans for U.S. Route 29 between Gainesville and North Carolina. **Killed**

**House Bill 2563, by Delegate Cole. Street construction.** Allows localities to withhold acceptance of plat approvals if the applicant has other projects in the locality with streets not completed or on track for completion as required by the approved plans for that project

before said developer or subdivider will receive approval of a new subdivision or development plan. Further allows localities to withhold partial and final complete release of any performance guarantee if streets in the plan have not been accepted by and taken over for operation and maintenance by the authority responsible for maintaining and operating such public facility. **Killed**

## **ON THE POSITIVE SIDE.....OTHER MEASURES ADVANCED**

**HB 1681, by Delegate Matt Lohr. Authorizes law-enforcement officers during the regular business hours of a scrap metal processor to inspect, without a warrant or subpoena, any scrap metal in the possession of a scrap metal processor, any records required to be maintained by a scrap metal processor, or both. The bill also adds catalytic converters to the list of proprietary articles for which heightened scrutiny is required prior to sale to a scrap metal processor. Passed House – Referred to Senate Commerce and Labor Committee**

**HB 2326, by Delegate Athey. Boards of zoning appeals; variances. Changes the standard by which a variance can be granted by eliminating the requirement for a showing of a hardship approaching confiscation and instead requiring a clearly demonstrable hardship. Passed House – Referred to Senate Committee on Local Government**

**House Bill 1856, by Delegate Shannon. Virginia Residential Property Disclosure Act; disclosure of stormwater detention facilities. Provides that an owner of real property makes no representations with respect to the presence of any stormwater detention facilities located on the property and that purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any stormwater detention facilities on the property, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to that contract. Passed House – Referred to Senate Committee on General Laws**

**House Bill 1938, by Delegate Peace. Income tax; livable home tax credit. Increases the individual tax credit limit from \$500 to \$2,000 and the 25 percent amount for retrofitting to 50 percent for taxable years beginning on or after January 1, 2010. Passed House and Senate – awaits action of the governor**

**Senate Bill 845, by Senator Puller. Livable Home Tax Credit; increase limit. Increases the Livable Home Tax Credit limit from \$500 to \$1,000. Passed Senate – assigned to House Finance Committee**

**Senate Bill 906, by Senator Stosch. Income tax; homebuyer tax credit. Provides an income tax credit equal to \$2,500 for single taxpayers and \$5,000 for married taxpayers**

filing jointly for taxable years beginning on or after January 1, 2009, but before January 1, 2011, who purchase a principal residence during that period. Any tax credit claimed would be recaptured if the taxpayer disposes of the principal residence within two years after purchase. Funding contingent upon resources from federal stimulus legislation pending before the U.S. Congress. **Passed Senate – assigned to House Finance Committee**

**Senate Bill 1430, by Senator Stosch. Grants to purchasers of newly constructed residential homes.** Authorizes the issuance of \$50 million in bonds to fund grants to individuals who purchase a principal residence in the Commonwealth that was first issued a certificate of occupancy on or after January 1, 2007, but before July 1, 2009. Eligible individuals would be individuals who had no present ownership in a principal residence within the last three years. The Virginia Housing Development Authority, in consultation with the Virginia Economic Development Partnership, would develop guidelines for purposes of determining eligible homebuyers and the amount of grant awards. Contingent upon funding from federal stimulus legislation pending before U.S. Congress. **Passed Senate – assigned to House Committee on Finance**

**Senate Bill 1524, by Senator Watkins. Permitted provisions in zoning ordinances.** Broadens the zoning administrator's authority to determine vested rights in certain circumstances. **Passed Senate – assigned to House CC&T Committee**

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**For complete Summaries of the 2009 HBAV Legislative Agenda, visit [www.hbav.com](http://www.hbav.com) and click on Legislative News.**