

## **COURT FEES STILL IN THE MIX IN RECORD BUDGET DEFICIT YEAR**

HBAV joined a coalition of business groups earlier this year, which has organized to fight a massive increase in court fees. The Patron of Senate Bill 329 is Senator Richard Stuart of Westmoreland. It would raise general district court fees from \$27 to \$75 and raise circuit court fees from \$60 to between \$110 to \$500 for circuit court cases involving less than \$1 million, and from \$160 to \$1,000 in cases seeking \$1 million or more. If passed, it would cost more to file a civil lawsuit in Virginia than any other state.

The measure would significantly increase the cost of doing business of the HBAV commercial property and multi-family owners seeking to exercise their legal rights with delinquent tenants.

The proponents of the measure are the Virginia Sheriffs, who see no other way to find money for Sheriffs to do their jobs. According to the Patron of SB 329, over 1,400 Virginia Sheriff deputies would lose their jobs because of state Budget cuts, if the fee increase is not passed. When the measure was considered by the 40-member State Senate, the Senate gallery was packed with uniformed Sheriffs and the measure passed the upper chamber on a 23 to 17 vote. Thirteen Democrats and 10 Republicans voted for the bill.

SB 329 has now been assigned to the House Courts of Justice Committee. In any other year, such a massive fee increase bill, which would clearly limit access to the justice system in Virginia, would be DOA...Dead on Arrival! Not this year. Rather than a quick demise, the Senate-passed measure is being "HELD" by the House Committee for possible later use. That makes many in the business community very nervous.

At the same time, those many business organizations who oppose the massive fee increase, including HBAV, learned on Sunday evening, the court fee increases have been embedded in the Senate Budget Bill.

Is this potential Budget funding source "in play", or beyond consideration by the more conservative House of Delegates? At this point, it appears that the answer lies only with the Budget Conferees and the leadership of the House of Delegates. It could be an attractive source to some to help save the jobs of an estimated 1,400 deputy sheriffs across Virginia, or another trading block in budget negotiations.

Rest assured that HBAV and our business coalition partners are working "OVERTIME" to express our vehement opposition to the proposed fee increases.

## **HOUSE SPEAKER NAMES BUDGET CONFEREES**

### **“Differing Budgets Pass House of Origin”**

This morning, the Speaker of the House William J. Howell, announced the six House Conferees to work with the Senate Conferees to complete the controversial and difficult Budget work of the 2010 Legislative Session. The House of Delegates and State Senate completed the work on their individual Budgets on Thursday of this week. Senate Conferees are expected to be named shortly. The House and Senate Conferees now have two weeks to reconcile and balance the state Budget to end the 2010 Legislative Session on the scheduled adjournment date, Saturday, March 13<sup>th</sup>.

Named as House Conferees by the House Speaker were: House Appropriations Committee Chairman Lacey Putney, I, Bedford; Kirk Cox, R, Colonial Heights; Beverly Sherwood, R, Frederick; Johnny Joannou, D, Portsmouth; Chris Jones, R, Suffolk; and Steve Landes, R, Augusta. Delegate Jones and Landes are new House Conferees.

Senate Majority Leader Dick Saslaw is expected to name his Senate Conferees later today.

## **HBAV PACKAGE NEAR END OF LEGISLATIVE PROCESS**

**VESTED RIGHTS - House Bill 1250, by Delegate Barry Knight of Virginia Beach** has been approved by the House of Delegates and was approved by the Senate Committee on Local Government on Tuesday of this week. The measure will likely be considered by the full 40-member State Senate on Monday of next week.

**House Bill 1250** would add to the list of Significant Affirmative Governmental Acts (now seven in total) the issuance of any written order, requirement, decision or determination made by the zoning administrator or other administrative officer regarding the permissibility of a specific use or density of the landowner's property, after the appeals period, to the Act.

In many cases, prior to beginning improvements or construction on property in Virginia, lenders require and property owners obtain, a “Determination” from a Zoning Administrator to insure the intended use or density intended for the property is allowed by the underlying zoning classification. In most localities, such a “Determination” is a formal process. This measure will simply protect the property rights and add a layer of certainty for landowners who have acquired a Zoning Determination from a local government.

**STORMWATER REGULATION SUSPENSION - House Bill 1220, by Delegate Tim Hugo of Fairfax County and Senate Bill 395 by Senator Frank Wagner both passed the state legislature this year.** The companion bills would suspend the controversial Stormwater regulation of the Department of Conservation and Recreation (DCR) until 280 days after the completion of the Virginia Total Maximum Daily Loads (TMDL) Implementation Plan for the Chesapeake Bay Nutrient and Sediment TMDL is approved by the United States Environmental Protection Agency, but no later than December 1, 2011.

HBAV announced earlier this Session that an HBAV-led coalition of business organizations and local governments had reached a tentative Agreement with the Chesapeake Bay Foundation, the James River Association and the Nature Conservancy on a measure to “Temporarily” suspend the Kaine Administration and DCR proposed Stormwater regulation which would have significantly increased the cost of land development in every part of Virginia, and will do very little to improve the water quality of the Chesapeake Bay.

The EPA-TMDL is forecast to be completed by December, 2010. That will give Virginia’s Department of Conservation and Recreation nearly 12 months to adopt a new Stormwater regulation that will meet the allocations to be set out by the EPA-TMDL.

The passage of the legislation in both houses means the measures now go to Governor McDonnell for his consideration. Earlier this year, the new McDonnell Administration expressed support for the suspension of the Kaine-backed DCR regulation. HBAV will urge Governor McDonnell to sign the legislation into law. HB 1220 and SB 395 were the highest Legislative Priority of HBAV for the 2010 Session of the State legislature.

HBAV has consistently asserted that there was an attempt to rush the controversial Stormwater Regulation to the finish line by the Kaine Administration in their waning days, with their full knowledge that the current Stormwater Management Regulation, has brought Virginia very close to its current Phosphorous Goal, and the FACT, that the EPA is in the process of revising the current phosphorous loading limits for Virginia.

**PROFFER PAYMENT DELAY – House Bill 374, by Delegate John Cosgrove and Senate Bill 632, by Senator Mark Obenshain** have passed both houses of the State Legislature and now goes to Governor McDonnell for his consideration.

The measures would “temporarily” delay collection or acceptance of a per lot cash proffer by a locality, until after final inspection and before the residential property has been issued a certificate of occupancy by said locality.

**SB 632** was approved by the House CC&T Committee last week and the full House of Delegates on Wednesday of this week. **HB 374** was approved by the Senate Committee on Local Government this Tuesday afternoon and the full Senate on Friday morning of this week.

Senate Bill 632 and House Bill 374 are designed to temporarily eliminate a major impediment to the recovery of the new housing industry in many markets. Such “UPFRONT” required cash payments to local governments, in the current building and banking environment, stifle job production by the housing industry. HBAV believes it is now appropriate to “temporarily” delay this costly upfront payment of cash proffers or impediment to the production of new housing in many areas of Virginia.

**WATER AND SEWER DELINQUENT PAYMENT – House Bill 407, by Delegate Glenn Oder** has passed the House of Delegates. As a component of the annual update of the Virginia Landlord Tenant Act, the measure provides that if the landlord has not received the final water, sewer or other utility bill for the dwelling unit within the 45 day period, the landlord may provide written notice to the tenant that a portion of the security deposit is being held pending settlement of the water, sewer or

other utility account, after which settlement, the landlord shall refund any remaining balance within 10 days. The tenant may provide the landlord written confirmation of the final settlement of such charges within the 45 day period, in which case the landlord shall refund the security deposit unless other deductions shall apply.

Many localities or their Water and/or Sewer Authorities have the ability to place liens on property (owners) for delinquent water and sewer charges. That same authority applies to rental units. Meaning, many property owners are being required to pay the delinquent water and sewer bills for tenants that vacate their rental property. Often such bills are received long after an apartment or rental home is vacated and the delinquent charges can be substantial (\$\$).

HB 407 will now go to the Senate Committee on General Laws for review on Wednesday afternoon of this week - the final week bills can be considered by Standing Committees.

## **HBAV FOR HAITI ORPHANS**

### **“Much More Help Needed – Conditions Worsen for Girls”**

For the past ten (10) years, HBAV Past President Bob Flynn of the Roanoke Regional Home Builders Association has used his annual personal vacation days to travel to Haiti to help make improvements to the “Quality of Life” for “The Home of the Daughters of God” Orphanage in Port-au-Prince. The orphanage provides food, clothing, shelter and education for 70 Haitian orphan girls.

On Wednesday, January 13<sup>th</sup>, Bob was due to fly into Haiti for a 7 day work-visit to the girl’s orphanage/home. The earthquake hit on Tuesday, January 12<sup>th</sup>.

The orphanage is located in Port-au-Prince. It is a maze of connecting buildings, some as high as 3 stories. The orphanage was severely damaged during the quake, and is now uninhabitable. The 70 girls that use to call the orphanage home are now living in the street in front of the orphanage in tents donated to them by UNICEF. Three of the girls and the orphanage’s cook’s wife and his 3 children lost their lives on that Tuesday.

**HBAV PRESIDENT MIKE NEWSOME AND HBAV PAST PRESIDENT BOB FLYNN URGES ALL HBAV MEMBERS TO MAKE A CONTRIBUTION TO THE ORPHANAGE AND THE GIRLS. PAST PRESIDENT FLYNN HAS ASSURED US THAT 100% OF ALL MONIES CONTRIBUTED WILL GO DIRECTLY TO THE ORPHANAGE!!!!** As of this date, no decent food, water or medical supplies have reached the girls.

The surviving girls are in need now, more than ever!!! Please consider making a Donation. Every dollar will help the girls through this tragedy. Please contribute \$25.00, \$50.00, \$100.00 or more.

PLEASE MAKE YOU PERSONAL OR BUSINESS CHECK PAYABLE TO RESURRECTION CATHOLIC CHURCH, and mail it to HBAV, 707 East Franklin Street, Richmond, Virginia 23219. HBAV will bundle all Donations and deliver them directly to Past President Flynn in Roanoke. All contributions are 100% tax deductible.

Please send your personal or business contribution today. **As President Newsome said when**

**approving this request, “Yes, this is about humanity”!!!!**

As of this writing, approximately \$5,000 has been contributed to the girl’s home by the members of HBAV. PLEASE CONSIDER SUPPORTING THE GIRLS. THEY NEED US!!!!