

Home Builders Association of Virginia

2012 General Assembly

Legislative Matrix

January 19, 2012

(Status updated to 1/19/12, 3:50 p.m.)

House Bills

			HBAV Positions
HB 27 Marshall, R.G.	Residential energy efficiency standards. Exempts any residential building or manufactured home in Virginia from being subject to federal legislation relating to residential energy efficiency standards if such building complies with the Statewide Uniform Building Code. Except to the extent required by the Statewide Building Code, the owner of such building or home cannot be required by the federal government to (i) have an energy efficiency analysis conducted on his residence, (ii) have his residence meet federal energy efficiency standards, (iii) participate in a building performance labeling program, (iv) make modifications to the residence in accordance with federal legislation, or (v) post a label showing the energy efficiency of his home prior to its sale. The bill also prohibits any state agency from assisting any federal agency in the implementation of global warming or climate change legislation.	(H) Reported from General Laws with amendments (15-Y 7-N)	M
HB 70 Englin	Energy conservation and efficiency goal. Establishes a statewide goal of reducing the consumption of electric energy within the Commonwealth, through energy conservation and efficiency actions taken by government, electric utilities, and retail customers, by 2025 to a level that is 19 percent less than the quantity of electricity that would reasonably be projected to be consumed in the Commonwealth in 2025 in the absence of such actions. The measure specifies percentages of the reductions in consumption that are to be attained through elements including energy performance improvements resulting from enhancements to the Statewide Building Code and appliance efficiency standards, improved energy performance of publicly-owned buildings, energy performance improvements in the industrial sector, and combined heat and power. Investor-owned utilities are required to address their energy efficiency and demand response management programs in their annual conservation reports. The measure also requires electric cooperatives to file assessments of impediments to their implementation of certain rate initiatives.	(H) Assigned C & L sub: Special Subcommittee on Energy	O
HB 79 Orrock	Virginia Disability Commission; powers and duties; work groups; sunset. Provides that the Virginia Disability Commission shall establish work groups to assist the Commission in carrying out its powers and duties. Such work groups shall include work groups focused on issues related to (i) housing and transportation, (ii) education and employment, and (iii) publicly funded services, and may include such other work groups as the Commission deems necessary. The bill also repeals the sunset provision for the Commission, which is set to	(H) Read first time	M

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	expire July 1, 2012.		
HB 92 Marshall, R.G.	Urban development areas. Makes incorporation of urban development areas optional rather than mandatory. Any locality that has previously adopted urban development areas may, and upon voter petition shall, reconsider such action.	(H) Assigned CC & T sub: #2	M
HB 121 Morrissey	Virginia Housing Trust Fund Authority. Creates the Virginia Housing Trust Fund Authority to administer the Virginia Housing Trust Fund also created by the bill to assist in increasing the capacity of community housing organizations and encourage private sector businesses and individuals to contribute capital to community-based housing organizations and assist them in providing safe, decent, and affordable housing to Virginia citizens. The bill sets the powers and duties of the Authority and its Board of Directors, and the lawful purposes for which the Fund may be used.	(H) Referred to Committee on General Laws	M
HB 156 Greason	Board of Housing and Community Development; terms of certain members. Allows the Director of Regulatory Compliance of the Virginia Building Officials Association to serve for more than one four-year term.	(H) Reported from General Laws (22-Y 0-N)	S
HB 166 Cosgrove	Decisions of zoning administrator. Narrows the instances in which a zoning administrator may modify certain previously issued written orders outside a 60-day time period by deleting the phrase "or other nondiscretionary" from the provision that currently excludes "clerical or other nondiscretionary errors" from the 60-day limitation.	(H) Subcommittee recommends reporting (11-Y 0-N)	HBAV Bill
HB 170 Cosgrove	Review of zoning administrator decisions; appeals. Provides that in instances in which decisions of a zoning administrator are reviewed by the governing body, the governing body's decision shall be appealable to the circuit court.	(H) Subcommittee recommends reporting (11-Y 0-N)	HBAV Bill
HB 176 Knight	Regulation of nutrient credit certification. Directs the Virginia Soil and Water Conservation Board to adopt regulations governing the certification of certain nutrient credits. Referring to the Chesapeake Bay Total Maximum Daily Load (TMDL), the legislation sets out certain requirements of the regulations, permits the Department of Conservation and Recreation to establish an online registry of certified credits, and allows municipal separate storm sewer systems to acquire and use credits under certain conditions.	(H) Assigned ACNRsub: Chesapeake	M/Review

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HB 210 Miller, Jackson	Regulation of real estate appraisal management companies. Adds definitions of "appraisal services" and "appraiser" and provides exemptions from licensure for certain entities. The bill also (i) authorizes the Board, beginning July 1, 2014, to issue a license to a person or entity to do business as an appraisal management company in the Commonwealth provided such person or entity meets certain requirements set out in the bill; (ii) requires the Board to require an appraisal management company as a condition of licensure to execute a performance agreement and provide collateral to the Board in form of cash, letter of credit, or bond in an amount sufficient as reasonably determined by the Board to secure the payment of the obligations of the licensee for its transactions in the Commonwealth for a period not less than 12 months; (iii) provides that the fees charged by an appraisal management company and fees paid to appraisers shall be separately reflected on the good faith estimate provided by the lender and on the settlement statement; (iv) increases the civil penalty from not more than \$2,500 to \$10,000 for willful violations by a real estate appraisal management company; and (v) requires the disclosure on the settlement statement of any fees paid to a real estate appraisal management company. The bill requires the Real Estate Appraiser Board to adopt emergency regulations to implement the provisions of the bill.	(H) Assigned GL sub: #1 Housing	M
HB 317 Ingram	Mechanics' lien agent; building permit. Expands the requirement that the mechanics' lien agent, if one is named in the building permit, be notified of mechanics' liens before such liens may be perfected to cover any improvements to real estate for which the building permit application states a value of \$5 million or less. Currently, this requirement only applies to building permits for one- or two-family homes.	(H) Subcommittee recommends striking from docket	M
HB 326 Massie	Proffers; amendments and notice. Allows a landowner subject to proffered conditions to apply for amendments to such conditions after providing notice to local governing body.	(H) Assigned CC & T sub: #2	HBAV Bill
HB 328 Villanueva	Uniform Statewide Building Code; online submission of building permit applications. Requires local building departments to establish a system to allow any person applying for a building permit to (i) submit his permit application by electronic means and to affix thereto his electronic signature, (ii) check on the status of his application online and to receive information from the building department electronically, and (iii) submit electronic payment for his permit application.	(H) Assigned GL sub: #1 Housing	O

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HB 383 Pogge	Zoning; attorney fees. Provides that a court may award reasonable attorney fees, expenses, and court costs to any person, group, or entity that prevails in a zoning action brought against it or that successfully challenges the validity of a zoning ordinance.	(H) Assigned Courts sub: Civil	M/Visit
HB 401 Hope	Landlord and tenant law; landlord obligations; receipt required for certain rent payments. Requires a landlord to provide, upon request, a written receipt whenever a tenant pays rent in the form of cash or money orders. The bill also requires written rental or lease agreements to include a notice of the tenant's right to receive the written receipt beginning January 1, 2013. The notice is not required for leases entered into prior to January 1, 2013, that are subsequently renewed by the parties.	(H) Referred to Committee for Courts of Justice	O
HB 443 Brink	Debt collection practices; penalty. Prohibits debt collectors from engaging in certain types of conduct when attempting to collect personal, family, and household debts, and requires debt collectors to comply with certain requirements when contacting a debtor, as is currently prohibited or required by the federal Fair Debt Collection Practices Act. A violation constitutes a prohibited practice under the Virginia Consumer Protection Act. Provisions currently requiring persons to comply with the federal Fair Debt Collection Practices Act are amended to require compliance with this counterpart state law.	(H) Assigned C & L sub: #2	
HB 539 Poindexter	Private road maintenance. Provides that any county may by ordinance require that, in any instance where individual lots for residential use are subdivided from a larger tract, the deed shall require that each lot purchaser contribute a pro rata share for required private road maintenance. The ordinance may also authorize the majority of lot owners on any private road, whether acting as a group or through a duly organized homeowners' association, to collect from each lot owner on the private road a pro rata share of the reasonable costs of repair, upkeep, and maintenance of the private road.	(H) Subcommittee recommends reporting (11-Y 0-N)	S
HB 559 Marshall, D. W.	Natural gas utility infrastructure. Permits a natural gas utility to construct the necessary facilities of a qualifying project and to recover the eligible infrastructure development costs necessary to develop the eligible infrastructure for designated projects in future rates. Eligible infrastructure development costs include the investment, which includes costs including planning, development, and construction costs and, if applicable, an allowance for funds used during construction, in facilities to be used in the delivery of natural gas, or supplemental or substitute forms of gas. Such costs also include (i) a return on investment calculated using the utility's weighted average cost of capital based	(H) Referred to Committee on Commerce and Labor	M/Visit

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	<p>on its regulatory capital structure used in determining the natural gas utility's base rates in effect during the construction period; (ii) a revenue conversion factor that includes income taxes and an allowance for bad debt expense; (iii) operating and maintenance expense; (iv) depreciation calculated using the natural gas utility's currently approved depreciation rates applicable to each general plant account; and (v) property taxes, reduced by the non-gas revenue received by the natural gas utility from providing sales or transportation service to the customer occupying the qualifying project and to any other customer served directly from the subject eligible infrastructure. A qualifying project is an economic development project requiring natural gas service as to which the natural gas utility has made a good faith determination that (a) it is located in an area where adequate natural gas infrastructure is not available; (b) eligible infrastructure will provide opportunities for increased natural gas usage and economic development benefits in the area of the eligible infrastructure in addition to those provided by the subject project; (c) either the developer or occupant of the proposed project is prepared to provide a binding commitment to the natural gas utility for needed capacity for a period of at least five years from the date gas is made available, which commitment covers a level of service no less than 50 percent of the capacity of the gas facilities to serve such project, or the natural gas utility receives a financial guaranty from the developer or state or local government in the amount of at least 50 percent of the estimated investment to be made by the natural gas utility in the proposed project; (d) the natural gas utility has negotiated with the project's developer or occupant in an attempt to reach agreement on a commitment for the entire aid to construction otherwise required to cover the cost of the necessary eligible infrastructure; and (e) the projected non-gas revenues from the proposed project will not be sufficient to cover the cost of service associated with the necessary eligible infrastructure after accounting for any aid to construction contributed by the developer of the project or the person that will occupy the proposed project. Natural gas utilities are required to account for the actual monthly eligible infrastructure development costs incurred on the cumulative investment in eligible infrastructure in excess of any aid to construction contributed by the developer of the project or the person that will occupy the proposed project as a deferred cost until new base rates and charges that incorporate eligible infrastructure development costs become effective for the utility. Transportation and storage quantities of contracts entered into by a natural gas utility for the acquisition of upstream pipeline capacity to meet the reasonably anticipated service requirements of a qualifying project and other service requirements to be served through the eligible infrastructure shall be deemed prudent and reasonable.</p>		

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HB 567 Marshall, D. W.	Water and sewer services; deposit, lien. Authorizes (i) an owner of property who is the occupant or where a single meter serves multiple units or (ii) a lessee or tenant, provided he has written authorization from the owner, to establish water and sewer services in his own name. The bill provides for a locality or water authority to require a deposit of not more than five months of water and sewer charges. A lien may also be placed on the property under circumstances outlined when charges are delinquent. This bill is a recommendation of the Virginia Housing Commission.	(H) Assigned CC & T sub: #2	S
HB 571 Marshall, D. W.	Extension of measures to address housing crisis. The sunset date for several measures related to various land use approvals, the timing of cash proffer payments, and bonding requirements is extended from July 1, 2014, to July 1, 2017. The bill also expands the scope of such measures that will be subject to the extension to include those measures approved by January 1, 2011.	(H) Assigned CC & T sub: #2	HBAV bill
HB 572 Marshall, D. W.	Owner financing for real property; licensing. Exempts persons who make loans or extend credit for any part of the purchase price of real property that the person owns from licensure requirements under the Nationwide Mortgage Licensing System and Registry. This bill is a recommendation of the Virginia Housing Commission.	(H) Referred to Committee on Commerce and Labor	S
HB 597 Crockett-Stark	Eminent domain; lost profits and access. Provides definitions for the terms "lost profits" and "lost access" and how to determine the amount of just compensation, which includes lost profits and lost access resulting from the taking, that must be paid for property taken by eminent domain. The bill has a contingent effective date of January 1, 2013, provided that the voters approve an amendment to Section 11 of Article I of the Constitution of Virginia at the 2012 November election.	(H) Assigned Courts sub: Civil	O in current form
HB 614 LeMunyon	Comprehensive plan. Provides that the comprehensive plan shall control the future land use decisions of the governing body. No zoning amendment shall be approved unless it has been determined to be substantially in accord with the adopted comprehensive plan. However, a governing body may approve a proposed zoning amendment that is not in substantial accord with the comprehensive plan if the advocate for such proposed amendment can make a substantial showing that the land use change will serve the purposes of the zoning ordinance.	(H) Assigned CC & T sub: #2	O

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HB 615 LeMunyon	Zoning; special exceptions. Clarifies that localities may approve by special exception all modifications to property that may currently also be granted by variance.	(H) Assigned CC & T sub: #2	M
HB 625 LeMunyon	Transportation planning; comprehensive plan. Provides that when a locality in Planning District 8 (Northern Virginia) submits a proposed comprehensive plan or amendment to the Department of Transportation for review, the Department will make a determination as to whether the proposal will increase traffic congestion or reduce the mobility of citizens in the event of a homeland security emergency. If the Department makes such a determination, the locality's proposed plan or amendment shall not become effective unless the Department also determines that adequate transportation improvements are planned that will mitigate the effects of the proposed plan or amendment. The bill contains technical amendments.	(H) Assigned CC & T sub: #2	M
HB 668 Surovell	Condominium and Property Owners' Association Acts; posting of documents on association website. Requires the board of directors to post on any website maintained by the association a copy of the declaration, any articles of incorporation, and all rules and regulations adopted by the board of directors.	(H) Assigned GL sub: #1 Housing	M
HB 728 Dudenhefer	Transportation impact fees. Provides that if a specific development or subdivision received final site plan or subdivision approval prior to the effective date of the locality's impact fee ordinance, the amount of the impact fee to be imposed may be determined at any time prior to the issuance of a building permit. Under current law, the amount of the impact fee must be determined before or at the time of site plan or subdivision approval.	(H) Assigned CC & T sub: #2	O
HB 729 Dudenhefer	Urban development areas. Increases population thresholds for determining applicability of urban development area (UDA) requirements from 130,000 persons to 200,000 persons. The bill also specifies that UDAs need only accommodate the projected growth beyond what may be developed by right and changes a 10-year growth mandate to five years.	(H) Assigned CC & T sub: #2	M
HB 731 Dudenhefer	Performance guarantees; street construction. Allows localities to retain full performance guarantees until streets in a new development are accepted by the	(H) Assigned CC & T	O

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	state agency, local government department or agency, or other public authority that is responsible for maintaining and operating such public facility. The bill also provides that if a developer is in default with regard to street completions in another development within a locality, the locality may withhold acceptance of securities or plat approvals. Furthermore, a locality may withhold building permits or occupancy permits within a development until streets in a new development are accepted by the state agency, local government department or agency, or other public authority that is responsible for maintaining and operating such public facility.	sub: #2	
HB 732 Dudenhefer	Transfer of development rights. Provides that a transfer of development rights ordinance may permit a sending property, subsequent to severance of development rights, to be used for parks and campgrounds.	(H) Assigned CC & T sub: #2	M
HB 799 Scott, E.T.	Wetlands and streams; water protection permits; conditions for contribution to a Board-approved fund. Requires as a condition for contribution to a State Water Control Board-approved fund, in lieu of creating or restoring compensatory wetland or stream acreage, either a showing that sufficient compensatory mitigation bank credits are unavailable or that the Board has determined that unique circumstances exist.	(H) Referred to Committee on Agriculture, Chesapeake and Natural Resources	O
HB 839 James	Defective drywall; definition. Redefines the term "defective drywall" to mean drywall or similar building material composed of dried gypsum-based plaster that (i) contains elemental sulfur exceeding 10 parts per million as has been found in some drywall manufactured in the People's Republic of China and imported into the United States between 2004 and 2007 and, when exposed to heat, humidity, or both, releases elevated levels of hydrogen sulfide gas into the air or (ii) has been designated by the U.S. Consumer Product Safety Commission as a product with a product defect that constitutes a substantial product hazard within the meaning of § 15(a)(2) of the Consumer Product Safety Act (15 U.S.C. § 2064(a)(2)).	(H) Assigned GL sub: #1 Housing	M/Visit
HB 863 Rust	Zoning; civil penalties constitute liens on real property. Establishes that a lien against real property shall exist for each penalty levied for a scheduled violation of a locality's zoning ordinance. Such a lien shall arise for each penalty	(H) Assigned CC & T	

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	that either remains unpaid after the completion of an appeals procedure sustaining the penalty or otherwise remains unpaid for 90 days after issuance.	sub: #2	
HB 869 Rust	Urban development areas. Makes designation of urban development areas optional for all localities. Currently urban development areas are mandatory for many higher growth localities.	(H) Assigned CC & T sub: #2	
HB 901 Brink	Condominium and Property Owners' Association Acts; suspension of certain owner rights for rules violations. Gives condominium and property owners' association boards the authority, even in cases where the declaration does not expressly grant the authority to the boards, to (i) suspend a unit owner's right to use facilities or services, including utility services, provided directly through the association for nonpayment of assessments that are more than 60 days past due, to the extent that access to the unit through the common elements is not precluded and provided that such suspension shall not endanger the health, safety, or property of any owner, tenant, or occupant and (ii) assess charges against any owner for any violation of the declaration or of the rules or regulations promulgated pursuant thereto for which such owner or his family members, tenants, guests, or other invitees are responsible. The bill contains technical amendments.	(H) Assigned GL sub: #1 Housing	
HB 902 Minchew	Condominium Act; time limits for expansion, contraction, or conversion of condominium. Increases from seven years to 10 years from the date of recordation of the declaration the time limit in which a declarant/developer of a condominium must exercise his rights to expand, contract, or convert a condominium.	(H) Assigned GL sub: #1 Housing	
HB 903 Minchew	Proffered conditions. Provides that a landowner subject to certain proffered conditions may apply to the governing body for amendments to or variations of such proffered conditions, provided only that written notice of such application be provided in the manner prescribed by subsection H of § 15.2-2204 to all landowners subject to such existing proffered conditions. Also, no landowner shall possess any vested or other property right in any such proffered condition.	(H) Assigned CC & T sub: #2	
HB 910 Minchew	Cash proffers. Expands existing provisions that allow certain alternative uses of cash proffers to provide that such cash proffers may also be used for an alternative purpose if the functional purpose for which the cash payment was	(H) Assigned CC & T sub: #2	

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	made no longer exists.		
HB 932 Lingamfelter	Nutrient management. Directs up to 10 percent, but not more than \$150,000 annually, from the Natural Resources Commitment Fund to the Department of Conservation and Recreation's Nutrient Management Training and Certification Fund for the development and support of the Voluntary Nutrient Management Plan Program. Specifically, the funds will be used to develop web-based planning software and training materials for those implementing nutrient management plans on their lands.	(H) Referred to Committee on Agriculture, Chesapeake and Natural Resources	
HB 942 Lingamfelter	Onsite sewage systems. Provides that a locality shall not require the owner of an alternative onsite sewage system to enter into a performance agreement with the locality or otherwise require the owner of an alternative onsite sewage system to post with the locality a sum of cash, a letter of credit, or a bond.	(H) Assigned CC & T sub: #2	
HB 960 Bell, Robt.	Certificates of insurance; property and casualty insurance. Prohibits any person from (i) issuing or delivering a certificate of insurance that attempts to confer any rights upon a third party beyond what the referenced policy of insurance expressly provides; (ii) knowingly demanding or requiring the issuance of a certificate of insurance from an insurer, insurance producer, or policyholder that contains any false or misleading information concerning the policy; (iii) knowingly preparing or issuing a certificate of insurance that contains any false or misleading information or that purports to affirmatively or negatively alter, amend, or extend the coverage provided by the policy; and (iv) issuing or delivering a certificate of insurance that does not contain a statement regarding such matters. In addition, a certificate of insurance may not represent an insurer's obligation to give notice of cancellation or nonrenewal to a third party unless the giving of the notice is required by the policy.	(H) Referred to Committee on Commerce and Labor	
HB 979 Scott, J.	Virginia Property Owners' Association Act; adoption and enforcement of rules. Authorizes the board of directors or its agents to enter onto a lot subject to the declaration as may be reasonably necessary to remedy the failure of the lot owner to comply with the declaration or rules and regulations of the association. The authority may be used only after the board has exhausted all other internal efforts to achieve compliance, including an opportunity for the lot owner to take corrective action, and reasonable notice is provided.	(H) Assigned GL sub: #1 Housing	
HB 1008 Ramadan	Condominium and Property Owners' Association Acts; rights of owners. Provides that no provision of the declaration or rules or regulations adopted pursuant thereto shall prohibit an owner or any person entitled to occupy a unit	(H) Referred to Committee for Courts	

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	or lot from exercising his constitutionally protected right of freedom of speech upon property to which the owner or person entitled to occupy has a separate ownership interest or a right to exclusive possession. The bill further provides that any provision of a declaration or rule or regulation adopted pursuant thereto that prohibits the exercise of such right upon such property shall be void as against public policy. The bill allows, however, an association to establish reasonable time, place, and manner restrictions on such property provided the restrictions are necessary to protect a substantial interest of the association. In any action brought by an association for a violation of such restriction, the association bears the burden of proof that such time, place, or manner restriction is necessary to protect a substantial interest of the association. Finally, the bill provides that the association may restrict an owner's exercise of freedom of speech upon the common areas.	of Justice	
HB 1009 Ramadan	Land-disturbing activities; service of order for violation. Specifies the means of serving an order for disturbance without an approved plan or required permit. Current law refers only to an order for a failure to comply with a plan or permit.	(H) Referred to Committee on Agriculture, Chesapeake and Natural Resources	
HB 1029 Englin	Requirement that certain planning commissioners own real property. Removes the requirement that at least one-half of the members of a local planning commission be owners of real property.	(H) Referred to Committee on Counties, Cities and Towns	
HB 1035 Joannou	Eminent domain; lost profits and access. Provides definitions for the terms "lost profits" and "lost access" and how to determine the amount of just compensation, which includes lost profits and lost access resulting from the taking, that must be paid for property taken by eminent domain. The bill has a contingent effective date of January 1, 2013, provided that the voters approve an amendment to Section 11 of Article I of the Constitution of Virginia at the 2012 November election.	(H) Assigned Courts sub: #2 Civil	
HB 1045 Keam	Uniform Statewide Building Code. Requires the Board of Housing and Community Development to revise the Uniform Statewide Building Code to require a two-year time limit on the duration of a building permit issued for the completion of new construction of detached single-family dwellings, additions to	(H) Assigned GL sub: #1 Housing	

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	detached single-family dwellings, or residential accessory structures. Under the current Building Code, the time limit is three years for such dwellings and structures.		
HB 1059 Anderson	Appeals to the Board of Zoning Appeals. Shortens the time for appeal of certain local land use decisions to the board of zoning appeals from 30 days to 14 days.	(H) Referred to Committee on Counties, Cities and Towns	
HB 1071 Hugo	Onsite sewage systems. Provides that the owner of an alternative onsite sewage system installed prior to January 1, 2010, with flows of less than 1,000 gallons per day serving a church or an individual single-family dwelling occupied by such owner shall be exempt from the requirements for the operation and maintenance of the alternative onsite sewage system contained in State Board of Health regulations. The provisions of this act shall expire on July 1, 2014.	(H) Referred to Committee on Counties, Cities and Towns	
HB 1082 Hugo	Recordation tax. Eliminates the recordation tax exemption for certain deeds of trust securing a refinanced obligation, and establishes a reduced tax for all refinancing deeds of trust or mortgages that is equal to a maximum of 18 cents (\$0.18) per \$100 of the amount refinanced. Under current law, there is an exemption for a deed of trust or mortgage that is refinanced with the same lender on the principal amount of the original debt; all other such instruments of refinancing are subject to the tax at rates higher than the new rates established in the bill.	(H) Referred to Committee on Finance	
HB 1100 Herring, C.	Virginia Housing Trust Fund Authority. Creates the Virginia Housing Trust Fund Authority to administer the Virginia Housing Trust Fund also created by the bill to assist in increasing the capacity of community housing organizations and encourage private sector businesses and individuals to contribute capital to community-based housing organizations and assist them in providing safe, decent, and affordable housing to Virginia citizens. The bill sets the powers and duties of the Authority and its Board of Directors, and the lawful purposes for which the Fund may be used.	(H) Referred to Committee on General Laws	
HB 1110 Greason	Landlord and tenant law; dwelling units. Allows a plaintiff in an unlawful detainer action to submit electronic or paper copies of the lease under certain circumstances. The bill also (i) removes the four-residential-unit limitation on the exemption from licensure as a mold inspector or remediator; (ii) revises the	(H) Assigned GL sub: #1 Housing	

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	definition of dwelling unit; (iii) allows a tenant to stay in the dwelling unit after foreclosure of the property containing the dwelling unit under certain circumstances; (iv) provides in unlawful detainer actions, the proceeding shall be dismissed if the tenant may pay the landlord or his attorney, or pay into court all: (a) rent due and owing as of the court date, (b) damages and other charges contracted for in the rental agreement, (c) late charges contracted for in the rental agreement, (d) reasonable attorney fees, and (e) costs of the proceeding; and (v) allows the landlord to recover from the tenant the tenant's prorated share of the actual costs of other insurance coverages provided by the landlord relative to the premises, including the landlord's administrative or other fees associated with the administration of such coverages.		
HB 1113 Toscano	Department of Conservation and Recreation; negotiation of a land exchange of certain parcels in an area known as Biscuit Run in Albemarle County, Virginia.	(H) Referred to Committee on Agriculture, Chesapeake and Natural Resources	
HB 1150 Dudenhefer	Cash proffers. Removes the provision allowing the court to award attorney fees in certain cases involving collection of cash proffers. Also, the bill provides that the statute shall not apply to proffer agreements made prior to July 1, 2010.	(H) Referred to Committee on Counties, Cities and Towns	
HB 1167 Jones	Department of General Services; High Performance Buildings Act. Provides that any executive branch agency or institution entering the design phase for the construction of a new building greater than 5,000 gross square feet in size or the renovation of a building where the cost of the renovation exceeds 50 percent of the value of the building, shall conform to Virginia Energy Conservation and Environmental Standards (VEES) and the building shall be designed, constructed, verified, and operated to comply with the high performance building certification program. The bill defines "VEES" and "high performance building certification program." The bill allows the Director of the Department of General Services to grant an exemption from this requirement due to impracticability.	(H) Referred to Committee on General Laws	

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HB 1180 Ingram	Bond issuance for wastewater treatment facilities. Authorizes the Virginia Public Building Authority to issue an additional \$300 million in bonds to continue installing nutrient removal technology in eligible wastewater treatment facilities to comply with the Chesapeake Bay TMDL and the Watershed Improvement Plan. These funds would complete projects at facilities under existing signed Water Quality Improvement Fund agreements and at additional eligible facilities that did not receive moneys from the original bonds issued in 2007.	(H) Referred to Committee on Appropriations	
HJ 3 Bell, Robt.	Constitutional amendment (second resolution); taking or damaging of private property; public use. Revises the prohibition on the enactment by the General Assembly of laws whereby private property may be taken or damaged. An existing provision authorizing the General Assembly to define what constitutes a public use is removed. The proposed amendment provides that private property can be taken or damaged only for a public use, only with just compensation to the owner, and only so much taken as is necessary for the public use. Just compensation must equal or exceed the value of the property taken, lost profits and lost access, and damages to the residue caused by the taking. A public service company, public service corporation, or railroad exercises the power of eminent domain for public use when such exercise is for the authorized provision of utility, common carrier, or railroad services. In all other cases, a taking or damaging of private property is not for public use if the primary use is for private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development, except for the elimination of a public nuisance existing on the property. The condemnor bears the burden of proving that the use is public, without a presumption that it is.	(H) Assigned P & E sub: Constitutional Amendments Subcommittee	O

Senate Bills

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SB 19 Stuart	Cash proffers. Changes the sunset date from July 1, 2015, to July 1, 2012, on provisions that state that cash proffers shall be collected or accepted by any locality only after completion of the final inspection and prior to the time of the issuance of any certificate of occupancy for the subject property.	(S) Referred to Committee on Local Government	O
SB 34 Locke	Landlord accounting of tenant credits and debits; upon request. Compels a landlord, upon the written request of a tenant, to produce a written accounting of charges and payments from the tenant over the tenancy or the past 12 months, whichever is shorter. This bill is recommended by the Virginia Housing Commission.	(S) Referred to Committee on General Laws and Technology	M
SB 35 Locke	Recovery of possession by landlord. Clarifies that an unlawful detainer action and the execution of a writ of possession is needed to evict a tenant from a residential rental unit. A provision in a rental agreement saying otherwise is unenforceable. "Dwelling unit" and "residential dwelling unit" are defined. This bill is recommended by the Virginia Housing Commission.	(S) Referred to Committee on General Laws and Technology	M
SB 36 Black	Proffered conditions; town of Leesburg. Provides that a landowner subject to certain proffered conditions in the Town of Leesburg may apply to the town council for amendments to or variations of such proffered conditions, provided only that written notice of such application be provided in the manner prescribed by subsection H of § 15.2-2204 to all landowners subject to such existing proffered conditions. Also, no landowner shall possess any vested or other property right in any such proffered condition that would preclude the amendment or variation of any proffer pursuant to this provision.	(S) Referred to Committee on Local Government	S/with amendment
SB 48 Watkins	Assessment of residential rental properties. Establishes criteria by which an assessor shall determine fair market value for real estate used in whole or in part as residential rental property as defined by ordinance or the locality. Criteria include actual gross income generated, losses due to vacancies, collection losses, and rent concessions as well as actual operating expenses and expenditures. Evidence as to fair market value presented by the property owner shall be considered by the real estate assessor in his property assessment.	(S) Referred to Committee on Finance	M
SB 70 Stanley	Sales tax exemption; construction materials. Establishes a two-year sales tax moratorium for construction materials and supplies purchased by licensed	(S) Referred to	

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	contractors.	Committee on Finance
SB 73 Watkins	Assessment of residential rental properties. Establishes criteria by which an assessor shall determine fair market value for real estate used in whole or in part as residential rental property as defined by ordinance or the locality. Criteria include actual gross income generated, losses due to vacancies, collection losses, and rent concessions as well as actual operating expenses and expenditures. Evidence as to fair market value presented by the property owner shall be considered by the real estate assessor in his property assessment.	(S) Referred to Committee on Finance M
SB 77 Watkins	Regulation of nutrient credit certification. Directs the Virginia Soil and Water Conservation Board to adopt regulations governing the certification of certain nutrient credits. Referring to the Chesapeake Bay Total Maximum Daily Load (TMDL), the legislation sets out certain requirements of the regulations, permits the Department of Conservation and Recreation to establish an online registry of certified credits, and allows municipal separate storm sewer systems to acquire and use credits under certain conditions.	(S) Referred to Committee on Agriculture, Conservation and Natural Resources M
SB 177 Stuart	Performance guarantees; street construction. Allows localities to retain full performance guarantees until streets in a new development are accepted by the state agency, local government department or agency, or other public authority that is responsible for maintaining and operating such public facility. The bill also provides that if a developer is in default with regard to street completions in another development within a locality, the locality may withhold acceptance of securities or plat approvals. Furthermore, a locality may withhold building permits or occupancy permits within a development until streets in a new development are accepted by the state agency, local government department or agency, or other public authority that is responsible for maintaining and operating such public facility.	(S) Referred to Committee on Local Government
SB 179 Stuart	Bond administration; reimbursement of administrative costs. Provides that if the owner or developer defaults on construction of certain public facilities, the locality shall be entitled to retain the allowance for administrative costs regardless of who ultimately completes the facilities.	(S) Referred to Committee on Local Government
SB 215 Barker	Bond administration; reimbursement of administrative costs. Provides that if the owner or developer defaults on construction of certain public facilities, the locality shall be entitled to retain the allowance for administrative	(S) Incorporated by Local Government

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	costs regardless of who ultimately completes the facilities.	(SB179-Stuart) (14-Y 0-N)
SB 229 Herring, M.	Zoning; civil penalties constitute liens on real property. Establishes that a lien against real property shall exist for each penalty levied for a scheduled violation of a locality's zoning ordinance. Such a lien shall arise for each penalty that either remains unpaid after the completion of an appeals procedure sustaining the penalty or otherwise remains unpaid for 90 days after issuance.	(S) Referred to Committee on Local Government
SB 233 Herring, M.	Proffered conditions. Provides that a landowner subject to certain proffered conditions may apply to the governing body for amendments to or variations of such proffered conditions, provided only that written notice of such application be provided in the manner prescribed by subsection H of § 15.2-2204 to all landowners subject to such existing proffered conditions. Also, no landowner shall possess any vested or other property right in any such proffered condition.	(S) Referred to Committee on Local Government
SB 240 Obenshain	Constitutional amendment (voter referendum); taking or damaging of private property; public use. Provides for a referendum at the November 6, 2012, election to approve or reject an amendment eliminating the General Assembly's authority to define a public use for which private property may be taken or damaged and (i) requiring that eminent domain be exercised for public uses and not for the primary purpose of private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development; (ii) defining what is to be included in determining just compensation for permissible takings; and (iii) prohibiting the taking of more private property than is necessary for the stated public use.	(S) Referred to Committee on Privileges and Elections
SB 274 Smith	Urban development areas. Makes incorporation of urban development areas optional rather than mandatory. Any locality that has previously adopted urban development areas may, and upon voter petition shall, reconsider such action	(S) Referred to Committee on Local Government
SB 291 Lucas	Urban development areas. Makes incorporation of urban development areas optional rather than mandatory. Any locality that has previously adopted urban development areas may reconsider such action.	(S) Referred to Committee on Local

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SB 356 Deeds	Alternative onsite sewage system; exemption from regulations. Provides that the owner of an alternative onsite sewage system installed prior to January 1, 2012, in any county with a population density of 50 persons per square mile or less, that serves an individual single-family dwelling shall be exempt from the requirements for the operation and maintenance of the alternative onsite sewage system contained in certain Board of Health regulations.	(S) Referred to Committee on Local Government
SB 402 Hanger	Nutrient Offset Fund. Establishes as a priority for funding from the Nutrient Offset Fund those nutrient offsets that are produced from facilities that generate electrical or heat energy, steam, or hot water using animal waste as a fuel source. The initial priority for funding will be the oxygen-starved gasification of up to 75,000 tons of animal waste per year that has been generated on poultry or dairy farms in Augusta, Page, Rockingham, and Shenandoah Counties. The nutrient offsets purchased with moneys from the Fund will be available for sale to owners or operators of new or expanded facilities required to offset nutrient loads through the watershed general permit. The bill requires the Department of Environmental Quality and the Department of Conservation and Recreation to conduct a 12-month assessment of the success of the operation of the first gasification facility to receive initial priority.	(S) Referred to Committee on Agriculture, Conservation and Natural Resources
SB 410 Hanger	Wetlands and streams; water protection permits; conditions for contribution to a Board-approved fund. Requires as a condition for contribution to a State Water Control Board-approved fund, in lieu of creating or restoring compensatory wetland or stream acreage, either a showing that sufficient compensatory mitigation bank credits are unavailable or that the Board has determined that unique circumstances exist.	(S) Referred to Committee on Agriculture, Conservation and Natural Resources
SB 437 Obenshain	Eminent domain; lost profits and access. Provides definitions for the terms "lost profits" and "lost access" and how to determine the amount of just compensation, which includes lost profits and lost access resulting from the taking, that must be paid for property taken by eminent domain. The bill has a contingent effective date of January 1, 2013, provided that the voters approve an amendment to Section 11 of Article I of the Constitution of Virginia at the 2012 November election.	(S) Referred to Committee for Courts of Justice

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SB 442 Obenshain	Design and inspection of onsite sewage systems. Establishes minimum required inspection frequencies for alternative onsite systems.	(S) Referred to Committee on Education and Health
SB 443 Vogel	Financial exploitation of elderly or vulnerable adults; penalty. Provides that it unlawful to knowingly, by deception, intimidation, undue influence, coercion, harassment, duress, or misrepresentation, use, obtain, convert, or take control of an elderly or vulnerable adult's property or financial resources with the intent to temporarily or permanently deprive the adult of the use, benefit, or possession of the property or financial resources. A violation is deemed larceny unless the violation is by a caregiver or person with a fiduciary relationship in which case it is a Class 3 felony. The bill also allows forfeiture of personal property used in connection with the crime.	(S) Referred to Committee for Courts of Justice
SB 449 Vogel	Board of Housing and Community Development; guidelines for anchoring movable soccer goals. Provides for the Board of Housing and Community Development to develop guidelines for anchoring movable soccer goals located in public recreational areas. The bill defines "public recreational area" as a publicly or privately owned area used by members of the public for recreational activities.	(S) Referred to Committee on General Laws and Technology
SB 472 Locke	Common Interest Community Board; Virginia Condominium Act; Virginia Real Estate Time-Share Act; common interest communities. Authorizes the Common Interest Community Board to terminate inactive condominium or time-share registrations. In addition, the bill clarifies the authority of the Common Interest Community Ombudsman to assist individual members of common interest communities regarding rights and processes available under applicable laws and regulations. The bill also makes technical amendments.	(S) Referred to Committee on General Laws and Technology
SB 494 Watkins	Bond issuance for wastewater treatment facilities. Authorizes the Virginia Public Building Authority to issue an additional \$300 million in bonds to continue installing nutrient removal technology in eligible wastewater treatment facilities to comply with the Chesapeake Bay TMDL and the Watershed Improvement Plan. These funds would complete projects at facilities under existing signed Water Quality Improvement Fund agreements and at additional eligible facilities that did not receive moneys %60from the original bonds issued in 2007.	(S) Referred to Committee on Agriculture, Conservation and Natural Resources

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SB 507 Wagner	<p>Real Estate Appraiser Board; continuing education. Requires the Real Estate Appraiser Board to establish requirements for continuing education as a prerequisite to renewal of a license. The bill further provides for the Board to require evidence of knowledge of the use of the income method to calculate values of energy efficiency and renewable energy in the appraisal of residential property as a prerequisite to renewal of any license.</p>	<p>(S) Referred to Committee on General Laws and Technology</p>
SB 509 Wagner	<p>State Water Control Board regulations. Requires that state water quality laws be no more restrictive than federal requirements. Currently, Virginia law allows more stringent regulations than those adopted by the federal government, so long as the reasons for the more restrictive provisions are disclosed to the committees having oversight responsibilities.</p>	<p>(S) Referred to Committee on Agriculture, Conservation and Natural Resources</p>