

Home Builders Association of Virginia

2012 General Assembly

Legislative Matrix

February 3, 2012

(Status updated to 2/3/12,9:07 a.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.	(S) Referred to Committee on Agriculture, Conservation and Natural Resources	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) Subcommittee recommends laying on the table (13-Y 0-N)	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	(S) Referred to Committee on Rules	M

			HBAV Positions
	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) Subcommittee recommends laying on the table	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) Assigned GL sub: #1 Housing	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.	(S) Referred to Committee on General Laws and Technology	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.	(S) Referred to Committee on Local Government	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.	(S) Referred to Committee on Local Government	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	(H) Subcommittee recommends reporting with amendment(s) (6-Y 0-N)	M/Review

			HBAV Positions
	and use credits under certain conditions.		
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) Stricken from docket by Courts of Justice	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.	(S) Referred to Committee on Local Government	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	(H) Assigned GL sub: #1 Housing	O

			HBAV Positions
	application.		
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) Subcommittee recommends laying on the table	S
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) Assigned GL sub: #1 Housing	O
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) Assigned Transportation sub: #1	S
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

			HBAV Positions
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) Reported from Commerce and Labor (21-Y 0-N); (H) Read first time	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) Subcommittee recommends incorporating (HB1035-Joannou)	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
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) Subcommittee recommends striking from docket	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) Subcommittee recommends reporting with amendment(s) (10-Y 1-N)	O

			HBAV Positions
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) Passed by indefinitely in General Laws	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) Subcommittee recommends laying on the table	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) Subcommittee recommends laying on the table	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 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.	(H) Subcommittee recommends laying on the table	O
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) Subcommittee recommends reporting (11-Y 0-N)	M

			HBAV Positions
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 that either remains unpaid after the completion of an appeals procedure sustaining the penalty or otherwise remains unpaid for 90 days after issuance.	(H) Assigned CC & T sub: #2	M
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) Subcommittee recommends reporting (11-Y 0-N)	M
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	(H) Assigned GL sub: #1 Housing	M

			HBAV Positions
	regulations promulgated pursuant thereto for which such owner or his family members, tenants, guests, or other invitees are responsible. The bill contains technical amendments.		
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) Reported from General Laws (22-Y 0-N)	HBAV Bill
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 made no longer exists.	(S) Referred to Committee on Local Government	S
HB 928 Lingamfelter	Mechanics' liens; site development improvements. Allows contractors to obtain a mechanics' lien in the contract amount for site development improvements and clarifies that common areas are not to be included in the fraction used to calculate allocation of the contract amount to each individual lot or unit. The bill also specifies that any payment made to the contractor for an undesignated lot shall be applied to any lot previously sold by the developer.	(H) Printed as engrossed 12100247D-E	M
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	M
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	M

			HBAV Positions
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 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.	(H) Subcommittee recommends laying on the table	M
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) Reported from Agriculture, Chesapeake and Natural Resources with amendment (22-Y 0-N; (H) Read first time)	M/Visit
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) Assigned CC & T sub: #2	M
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) Subcommittee recommends reporting with amendment(s) (5-Y 2-N)	M

			HBAV Positions
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 detached single-family dwellings, or residential accessory structures. Under the current Building Code, the time limit is three years for such dwellings and structures.	(H) Subcommittee recommends laying on the table	O
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.	(S) Referred to Committee on Local Government	O
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) Assigned CC & T sub: #2	M
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) Assigned Finance sub: #1	Visit
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) Assigned GL sub: #1 Housing	M

			HBAV Positions
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 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.	(H) Assigned GL sub: #1 Housing	S
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) Subcommittee recommends continuing to 2013	O
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) Assigned GL sub: #2 FOIA/Procurement	M
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	(H) Assigned App. sub: Capital Outlay	S

			HBAV Positions
	not receive moneys `from the original bonds issued in 2007.		
HB 1210 Lingamfelter	Slowly available nitrogen. Requires that beginning July 1, 2014, lawn maintenance fertilizer list on its directions for use its nitrogen application rates. If such fertilizer does not list on its directions for use nitrogen application rates that are consistent with rates recommended in the Virginia Nutrient Management Standards and Criteria, it cannot be registered, sold, distributed, or used in Virginia. The bill also requires the Department of Conservation and Recreation to adopt fast-track regulations to incorporate the application rates recommended by the Virginia Department of Agriculture and Consumer Services.	(H) Subcommittee recommends reporting with amendment(s) (6-Y 0-N)	S
HB 1216 Bell, Richard P.	Advertisement of proposed zoning amendments. Provides that when a proposed amendment to the zoning ordinance involves a tract of land owned by the Commonwealth or by the federal government, and when the proposed change affects only a portion of the larger tract, notice need be given only to the owners of those properties that are adjacent to the affected area of the larger tract.	(H) Subcommittee recommends reporting with amendment(s) (11-Y 0-N)	M
HB 1218 Morefield	Stream mitigation banks. Combines the Tennessee River Basin and the Big Sandy River Basin into one river watershed for the purpose of establishing and operating a stream mitigation bank within the watershed.	(H) Subcommittee recommends reporting (6-Y 0-N)	M
HB 1219 Fariss	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.	(H) Subcommittee recommends laying on the table	M
HB 1231 Orrock	Onsite sewage systems; inspections. Clarifies that if a licensed professional engineer or onsite soil evaluator does not inspect an onsite sewage system, which he certified, in a timely manner, or declines to certify that the installation was completed substantially in accordance with the evaluation and design, the owner may petition the Department of Health to inspect the installation and render a final case decision approving or disapproving the installation.	(S) Referred to Committee on Education and Health	M

			HBAV Positions
HB 1253 Knight	Cash proffers; proffesor shall not waive rights against locality. Prohibits any locality from accepting certain proffers purporting to contain a waiver of legal rights against the locality. The bill deems any such waiver in an enacted proffer void and severable and protects any rezoning from challenge on the basis of a profferor's alleged violation of such a waiver provision.	(H) Subcommittee recommends reporting with amendment(s) (11-Y 0-N)	HBAV Bill
HB 1281 Byron	Assumption of federal wetland and dredge and fill programs. Authorizes the State Water Control Board to assume full responsibility for regulating wetlands and dredge and fill programs that are currently also under the authority of the U.S. Army Corps of Engineers. The bill will would eliminate dual permitting requirements. The U.S. Environmental Protection Agency would have to determine whether Virginia has the authority to administer the individual and general permit program under § 404 of the Clean Water. Act.	(H) Subcommittee recommends passing by indefinitely	M
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

			HBAV Positions
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) Read second time and engrossed	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) Read second time and engrossed	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) Stricken at request of Patron in Finance (15-Y 0-N)	M

			HBAV Positions
SB 70 Stanley	Sales tax exemption; construction materials. Establishes a two-year sales tax moratorium for construction materials and supplies purchased by licensed contractors.	(S) Continued to 2013 in Finance (14-Y 0-N)	S
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) Read third time and passed Senate (37-Y 3-N)	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	O
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	M

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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 costs regardless of who ultimately completes the facilities.	(S) Incorporated by Local Government (SB179-Stuart) (14-Y 0-N)	O
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	M
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	S
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) Reported from Privileges and Elections with amendment (13-Y 2-N); (S) Constitutional reading dispensed (40-Y 0-N)	M
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) Incorporates SB291; (S) Constitutional reading dispensed (40-Y 0-N)	M

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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) Incorporated by Local Government (SB274-Smith) (15-Y 0-N)	M
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	M
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	M
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	O
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	(S) Referred to Committee for Courts of Justice	M

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	an amendment to Section 11 of Article I of the Constitution of Virginia at the 2012 November election.		
SB 442 Obenshain	Design and inspection of onsite sewage systems. Establishes minimum required inspection frequencies for alternative onsite systems.	(S) Reported from Education and Health with substitute (11-Y 4-N)	M
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	O
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	M
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) Rereferred to Finance	S
SB 507 Wagner	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	(S) Engrossed by Senate - committee substitute SB507S1	S

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	residential property as a prerequisite to renewal of any license.		
SB 628 Herring	Virginia Property Owners' Association Act; limitation on certain contracts and leases by declarant. Limits any management contract, employment contract, or lease of recreational or parking areas or facilities that is entered into during the period of declarant control to two years. The bill also provides that any such contract or agreement entered into on or after July 1, 2012, may be terminated without penalty by the association or its board of directors upon not less than 90 days' written notice to the other party given not later than 60 days after the expiration of the period of declarant control contemplated by the governing documents. In addition, the bill requires the declarant to include, with other information provided upon transfer of control to the association, the number of lots that may be subject to the declaration upon completion of development, and the number of members of the board of directors and number of such directors appointed by the declarant together with names and contact information of members of the board of director	(S) Referred to Committee on General Laws and Technology	M
SB 653 Newman	Condemnation proceedings generally.	(S) Referred to Committee on Local Government	M
SB 662 Smith	Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals; onsite sewage system installers. Removes conventional sewage system installers from the requirement to be licensed by the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals. Alternative septic system installers and alternative and conventional onsite soil evaluators are still required to be licensed.	(S) Referred to Committee on General Laws and Technology	M