

Home Builders Association of Virginia



2021 General Assembly Session Review

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2021 General Assembly Review

The 2021 Regular Session of the Virginia General Assembly adjourned "Sine Die" on Monday, March 1st. Legislators introduced over 1,000 bills this Session and the Home Builders Association of Virginia (HBAV) identified over 120 that directly or indirectly impacted the residential land development and construction industry. On April 7th, the General Assembly returned to Richmond for the Reconvened Session to consider any Governor's amendments to legislation passed by the legislature during the Regular Session. The 2021 General Assembly Review is an overview of some of the bills and budget amendments that the HBAV actively supported, opposed, or sought to amend during the 2021 Session.

"Passed Legislation" are bills that were passed by the General Assembly and signed by the Governor. All bills become effective July 1, 2021, unless otherwise noted.

"Amended Legislation" are bills that were passed by the General Assembly with amendments to address the HBAV's concerns, and ultimately signed by the Governor.

"Defeated Legislation" are bills that were stricken by the patron or defeated in subcommittee, committee, or the full House or Senate.

For a comprehensive review of bills unrelated to the residential land development and construction industry, click here to view the [Virginia Division of Legislative Services' 2021 Session Review](#).

For more information, please contact HBAV's Vice President of Government Affairs, Andrew Clark, at AClark@HBAV.com

Table of Contents

HBAV’s 2021 Legislative Agenda	3
Wetland and Stream Mitigation Credits; Service Area Flexibility	3
Establishing a Virginia Housing Opportunity Tax Credit	3
Passed Legislation	4
Accessory Dwelling Unit (ADU) Incentives.....	4
Comprehensive Plans; Provision for Transit-Oriented Development.....	4
Conservation Easements; Construction.....	4
Electronic Meetings for POAs/COAs	4
Extension of Certain Wetlands Permits	5
Fair Housing Law; reasonable accommodations, disability-related requests for parking.....	5
Fair Housing Law; Anti-NIMBY Legislation	5
Flood Resiliency Clearinghouse Program.....	5
Limitations on enforcement of judgments; judgment liens; settlement agents.....	5
Nutrient Credits; use by facility with certain stormwater discharge permit	5
Real Estate Settlement Agents; Duties	6
Recording an electronic document; electronic notarial certificate	6
Virginia Residential Property Disclosure Act; flood risk information form.....	6
Amended Legislation	6
Prescriptive Tree Planting, Replacement, and Preservation Ordinances	6
Adoption of the International Energy Conservation Code	7
Defeated Legislation	7
Environmental Justice; Public Notice Requirements for Certain DEQ Permits	7
Environmental Justice in Comprehensive Plans	7
Gifts of Real-Estate; Requirements.....	7
Heat Illness Prevention Regulations	7
Proffered Conditions Prohibiting Persons Under the Age of 23	8
Public utilities; gas pipelines prohibited in residential subdivisions.....	8
Repeal of Virginia’s Right to Work.....	8
Tax Conformity; PPP Loan Deductibility	8
State Budget Provisions	9
Environment and Natural Resources:	9
Additional Investment in DEQ Permitting Programs	9
DEQ Fees and Additional Funding for the Stormwater Management Fund.....	9
Nutrient Credit Workgroup.....	9

Stakeholder Workgroup to Evaluate Virginia’s Tree Statutes:	9
Water Quality Improvement Fund.....	9
Stormwater Local Assistance Fund	9
Agricultural BMPs.....	10
Commerce and Trade:.....	10
Establishment of a Virginia Housing Opportunity Tax Credit	10
New Cabinet Official- Secretary of Labor.....	10
Accessory Dwelling Unit (ADU) Workgroup.....	10
Other Budget Amendments:.....	10
Joint Subcommittee to Evaluate Virginia’s Tax Policy	10
Statewide Broadband Map	10
Virginia R-PACE Program (Residential Property Assessed Clean Energy):.....	10
Enterprise Zone Funding.....	10
Regional Budget Amendments:	11
Roanoke/Blacksburg-Christiansburg Intercity Passenger Rail	11
Virginia Railway Express Manassas Line	11
Interstate 64 Corridor	11
Coastal Virginia Transportation Infrastructure Inundation Study	11
Elevated Septic System Pilot Project in Rural Coastal Virginia	11

HBAV's 2021 Legislative Agenda

Over the course of 2020, the HBAV worked with our local associations and members around the Commonwealth to identify the pressing issues facing the residential land development and construction industry. The COVID-19 pandemic has upended every facet of life, including the legislature and the annual General Assembly Session, which opted to meet “virtually” this year, making the logistics of legislating and advocating more challenging. Despite those challenges, HBAV worked with legislators to introduce and pass several important bills for our industry.

Wetland and Stream Mitigation Credits; Service Area Flexibility

Over the last several years, the volatility in the wetland and stream mitigation credit market has deterred, delayed, or increased the cost of residential, commercial, and infrastructure projects in various regions of the Commonwealth. Our members in the Northern Virginia, Fredericksburg, Richmond, and Hampton Roads regions have struggled to deliver lots to the market because of the fluctuation in credit prices and the credit supply shortage.

To address this issue, HBAV and the Virginia Association for Commercial Real-Estate (VACRE) worked with over 25 stakeholders from the environmental and conservation community, local governments, and state and federal regulatory agencies to introduce [HB 1983](#), patroned by Delegate David Bulova (D – Fairfax). We are happy to report that this legislation passed the General Assembly, was signed by the Governor, and will become effective July 1, 2021. You can see how your [legislators voted here](#); and the [text of the new law can be found here](#).

Background:

Public and private entities seeking approval for a development project are often required to offset their impact on local aquatic features by purchasing wetland and stream credits from a mitigation bank. However, the Code of Virginia restricts the purchase of credits to mitigation banks located in a limited geographic region. In areas of the Commonwealth where numerous public and private entities are competing for a limited pool of credits, this restriction has resulted in periods of extreme volatility in credit pricing, as well as credit supply shortages.

HB 1983 seeks to stabilize credit pricing and supply by allowing an applicant to purchase mitigation credits from an expanded geographic area (the “secondary service area”) within the same river watershed when it can be demonstrated that no credits are available in the primary service area or when credit pricing reaches double the cost of the in-lieu fund for the area.

In exchange for the flexibility to purchase mitigation credits from the secondary service area, the applicant would be required to purchase additional credits and submit a tree planting, preservation, or replacement plan to the Department of Environmental Quality to demonstrate that the development site is projected to meet enhanced tree canopy requirements 20 years after development.

HB 1983 does not require an applicant to purchase credits from the secondary service area; applicants would still be permitted to purchase credits under existing law.

Establishing a Virginia Housing Opportunity Tax Credit

During the 2020 Session, HBAV and the Virginia Housing Alliance worked with Delegate Jeff Bourne (D – Richmond) to pass legislation which established a stakeholder advisory group to evaluate how Virginia could structure and implement a housing tax credit to attract private equity investment to affordable housing developments, similar to the Federal Low-Income Housing Tax Credit (LIHTC).

The Federal Low-Income Housing Tax Credit (LIHTC) program gives investors a dollar-for-dollar reduction in their federal tax liability in exchange for providing financing to develop affordable rental housing. Since 1987, the program has

attracted enough private equity to finance over 100,000 affordable units in Virginia - in the last five years alone, Virginia has allocated approximately \$200 million in credits which has leveraged nearly \$2.9 billion in private equity.

Despite the effectiveness of the program, the supply of affordable housing continues to lag surging demand and it has become increasingly more difficult to finance affordable housing developments through traditional mechanisms.

Using the recommendations of the workgroup established in 2020, HBAV and the Virginia Housing Alliance worked with Delegate Jeff Bourne and Senator Mamie Locke to introduce [HB 2050](#) and [SB 1197](#) to establish and “fund” the Virginia Housing Opportunity Tax Credit. Although HB 2050 was defeated in a House Finance Subcommittee, SB 1197 ultimately was passed by the General Assembly, signed by the Governor, and will become effective July 1, 2021.

The bill directs Virginia Housing (formerly the Virginia Housing Development Authority) to promulgate regulations and guidelines necessary to implement the program. The HBAV will be involved in that process throughout the year and will update members as new information becomes available.

Passed Legislation

Accessory Dwelling Unit (ADU) Incentives

[HB 2053](#) directs the Department of Housing and Community Development to convene a stakeholder advisory group to evaluate the construction of internal, attached, and detached accessory dwelling units as a strategy to address the Commonwealth's growing demand for affordable and market-rate housing. The bill requires the stakeholder advisory group to report its findings, including any legislative recommendations, to the Director of the Department, the Secretary of Commerce and Trade, the commissioners of the Virginia Housing Development Authority, and the Virginia Housing Commission no later than November 1, 2021, and allows a possible extension but to no later than November 1, 2022.

HBAV supported SB 2053 and the related budget language, both of which were adopted and approved by the Governor. As included in the language of the bill, HBAV will be one of the organizations included in the stakeholder advisory group.

Comprehensive Plans; Provision for Transit-Oriented Development

The HBAV supported [HB 2054](#) which adds reducing, modifying, or waiving local parking requirements or ratios to the strategies that may be included when certain larger localities consider incorporating strategies to promote transit-oriented development in reviews of their comprehensive plans. The bill removes from the existing strategy of increasing development density in certain areas to reduce density in others the phrase "to reduce density in others."

Conservation Easements; Construction

[SB 1199](#) and [HB 1760](#) provided that an easement held pursuant to the Virginia Conservation Easement Act or the Open-Space Land Act be construed in favor of achieving the conservation purposes for which it was created.

Electronic Meetings for POAs/COAs

[HB 1816](#) and [SB 1183](#) allow for meetings of property owners' associations, boards of directors, unit owners' associations, executive boards, and committees to be held by electronic means, including teleconference, videoconference, Internet exchange, or other electronic methods provided that the board of directors or executive board has adopted guidelines for the use of electronic means for such meetings. The bill also allows members of property owners' associations or unit owners' associations to vote at meetings of such associations by absentee ballot, and allows such members to vote in person, by proxy, or by absentee ballot by electronic means, provided that the board of directors or executive board, as applicable, has adopted guidelines for such voting.

Under current law, if a meeting of a board of directors or executive board is conducted by telephone conference or video conference, at least two members are required to be physically present at the meeting place.

[Extension of Certain Wetlands Permits](#)

[SB 1143](#) states that any permit renewal required pursuant to [§ 28.2-1205](#) or [28.2-1306](#) of the Code of Virginia for a permit that was set to expire between March 1, 2020, and July 1, 2021, shall retroactively be considered valid and effective until January 1, 2022. This legislation was signed by the Governor and will become effective July 1, 2021.

[Fair Housing Law; reasonable accommodations, disability-related requests for parking](#)

[HB 1971](#) provides that for the purposes of the Virginia Fair Housing Law, when a person receives a request for accessible parking to accommodate a disability, the person receiving the request shall treat such request as a request for reasonable accommodation.

[Fair Housing Law; Anti-NIMBY Legislation](#)

[HB 2045](#) prohibits any locality, its employees, or its appointed commissions from discriminating against affordable housing development in the application of local land use ordinances or guidelines, or in the permitting process. The legislation also makes it unlawful for local governments to prohibit or impose conditions upon the rental or sale of dwelling units, excluding short-term rental ordinances. The bill also requires the Fair Housing Board, after determining the existence of an unlawful discriminatory housing practice and after consultation with the Attorney General, to immediately refer the matter to the Attorney General for civil action.

[Flood Resiliency Clearinghouse Program](#)

[HB 2187](#) directs the Commonwealth Center for Recurrent Flooding Resiliency to evaluate the development of a Flood Resiliency Clearinghouse Program and to work with the Department of Conservation and Recreation to evaluate solutions that manage both water quality and flooding and emphasize nature-based solutions, including currently approved and not-yet-approved stormwater best management practices. The bill requires the Center to report its findings to the General Assembly by November 1, 2021.

[Limitations on enforcement of judgments; judgment liens; settlement agents.](#)

[HB 2099](#) reduces from 20 years to 10 years from the date of a judgment the period of time within which an execution may be issued or action may be taken on such judgment. The bill provides that the limitation of the enforcement of a judgment may be extended up to two times by a recordation of a certificate prior to the expiration period in the clerk's office in which a judgment lien is recorded. The bill provides that such recordation shall extend the limitations period for 10 years per recordation from the date of such recordation. The bill allows a settlement agent or title insurance company to release a judgment lien, in addition to a deed of trust as provided under current law, provided that the obligation secured by such judgment lien has been satisfied by payment made by the settlement agent and whether or not the settlement agent or title insurance company is named as a trustee under such lien or received authority to release such lien.

The bill has a delayed effective date of January 1, 2022, for all provisions except those related to the recordation of a certificate for the extension of a judgment, which are effective in due course.

[Nutrient Credits; use by facility with certain stormwater discharge permit](#)

[HB 1982](#) authorizes a facility that has been issued a Virginia Pollution Discharge Elimination System (VPDES) permit regulating stormwater discharges to acquire, use, and transfer nutrient credits for compliance with any waste load allocation established as an effluent limitation in its VPDES permit. Current law allows only a facility registered under the Industrial Stormwater General Permit to use nutrient credits for such purpose.

Real Estate Settlement Agents; Duties

[SB 1110](#) provides that the State Corporation Commission may share information collected from a settlement agent or agency regarding any errors and omissions or malpractice insurance policy or surety bond with any party to the real estate transaction in connection with the actions of such agent or agency arising out of a settlement.

Recording an electronic document; electronic notarial certificate

[HB 2064](#) provides that if a clerk has an eRecording System, the clerk shall follow the provisions of the Uniform Real Property Electronic Recording Act. The bill further provides that if a clerk does not have an eRecording System, the clerk shall record a legible paper copy of an electronic document, provided that such copy otherwise meets the requirements for recordation and is certified to be a true and accurate copy of the electronic original by the party who submits the document for recordation. The bill requires an electronic notarial certificate to include the county or city in the Commonwealth where the notary public was physically located and indicate whether the notarization was done in person or by remote online notarization, defined in the bill as an electronic notarization where the signer is not in the physical presence of the notary. The bill also adds additional forms of "satisfactory evidence of identity" when a notary is using video and audio communication.

HB 2064 was signed by the Governor and included an "emergency clause" which means that it becomes effective immediately.

HBAV and other housing advocates supported this legislation, which was ultimately passed by the General Assembly and signed by the Governor.

Virginia Residential Property Disclosure Act; flood risk information form

[SB 1389](#) requires the Real Estate Board to make available on its website a flood risk information form, the details of which are outlined in the bill. The bill also provides that an owner of residential real property located in the Commonwealth who has actual knowledge that the dwelling unit is a repetitive risk loss structure, as defined in the bill, shall disclose such fact to the purchaser on a form provided by the Real Estate Board on its website. The bill has a delayed effective date of January 1, 2022.

Amended Legislation

Prescriptive Tree Planting, Replacement, and Preservation Ordinances

As introduced, [SB 1393](#) and [HB 2042](#) granted localities broad authority to enact tree replacement, planting, and conservation ordinances for any development project located in a Chesapeake Bay Preservation Area, formerly "redlined" areas, and to ensure conformity with the locality's comprehensive plan.

HBAV opposed both bills in the form that they were introduced and successfully worked to amend both bills to include language directing the Secretary of Natural Resources and Secretary of Agriculture and Forestry to convene a stakeholder workgroup for the purpose of evaluating Virginia's existing tree statutes and identifying consensus proposals for consideration during the 2022 Session.

Both bills were also amended to include a "re-enactment clause", which means that they will not become law unless approved by the General Assembly during the 2022 Session. HBAV will be actively involved in the stakeholder workgroup that will be convened this year to ensure that balanced legislation is introduced during the 2022 legislation.

Adoption of the International Energy Conservation Code

As introduced, [HB 2227](#) would have required Virginia to adopt the full International Energy Conservation Code (IECC) within one year of adoption by the International Code Council and eliminate the ability for Virginia stakeholders to evaluate the merits of the proposals included in the IECC prior to their adoption in Virginia. HBAV opposed this legislation as it was originally drafted because it would have established a precedent that the General Assembly is willing to “legislate the building code”, which the vast majority of states have delegated to a regulatory process comprised of technical experts.

HBAV successfully advocated for amendments which stated that the Board of Housing and Community may consider provisions of the International Energy Conservation Code, which is the current practice of the Board during the Virginia Code Development Cycle.

Defeated Legislation

Environmental Justice; Public Notice Requirements for Certain DEQ Permits

[HB 2221](#) and [SB 1373](#) would have required any applicant seeking a Virginia Pollutant Discharge Elimination System permit, Virginia Water Protection Permit, Virginia Stormwater Management Program permit, and other permits issued by the Department of Environmental Quality (DEQ) to post public hearing notices on social media in English and Spanish; notify any property owner and inhabitant within a five-mile radius of the proposed project; and post notices in every public library, post office, and public school within a five-mile radius of a proposed project. Both bills were defeated in the Senate Agriculture, Conservation, and Natural Resources Committee.

Environmental Justice in Comprehensive Plans

As introduced, [HB 2074](#) includes provisions which would have required localities, during each review of its Comprehensive Plan, to adopt and review an “environmental justice strategy” to identify policies to reduce health risks by reducing pollution exposure, improve air quality, and promote public facilities, food access, broadband Internet access, safe and sanitary dwellings, and physical activity.

As introduced, HB 2074 also directed each state agency, no later than October 1, 2021, to adopt an agency-specific environmental justice policy that requires an evaluation of the environmental justice consequences of any covered agency action, requires a consideration of the environmental justice consequences or cumulative impacts of the administration of regulations, and contains other features, including robust public participation plans for residents of environmental justice communities and fence-line communities potentially affected by a covered agency action.

HB 2074 was amended several times but ultimately failed to pass.

Gifts of Real-Estate; Requirements

[SB 1140](#) would have prohibited a clerk of court from recording a deed of gift conveying real estate unless it is accompanied by a certified copy of the existing deed showing the name of the current owner of the property. This legislation was defeated in the Senate Judiciary Committee.

Heat Illness Prevention Regulations

During the 2020 Session, HBAV opposed several bills that would have required the Safety and Health Codes Board to adopt prescriptive regulations designed to protect employees from heat illness, including requiring employers to provide water, shade or a climate-controlled environment, rest periods of 15 to 45 minutes per hour, training, and emergency response procedures. The standards would have also required employers in certain industries to implement high heat procedures when the temperature is 90 degrees Fahrenheit or warmer.

Similar – but less prescriptive – legislation was introduced this year. [SB 1358](#) and [HB 1785](#) would have required the Safety and Health Codes Board to adopt regulations establishing standards designed to protect employees from heat illness, defined in the bill. The measure authorizes an employee to bring an action based on a violation of such standards in which injunctive relief and monetary damages may be sought.

HBAV and various other organizations opposed these bills, and they were ultimately stricken at the request of the patrons.

[Proffered Conditions Prohibiting Persons Under the Age of 23](#)

[HB 1863](#) was introduced at the request of the Town of Blacksburg and would have authorized the Town Council to accept, as part of residential re-zonings, voluntary proffered conditions that would limit or prohibit occupancy by undergraduate students or persons under the age of 23, unless such persons are part of a family. For such proffered conditions to be accepted, the Town of Blacksburg would be required to designate areas in its comprehensive plan where student housing is encouraged, as well as areas intended for housing of long-term residents where such proffered conditions could be accepted.

Although this legislation was limited to the Town of Blacksburg, HBAV was concerned about the precedent it would set for other localities. HBAV and the New River Valley HBA committed to working with the patron and the Town after Session to address the issues that prompted this legislation.

[Public utilities; gas pipelines prohibited in residential subdivisions](#)

[HB 1934](#) would prohibit a public service corporation or other utility from constructing or installing a gas pipeline greater than 12 inches in diameter under any public road or state highway within a residential subdivision including under the median or any sidewalk running parallel to any such public road or state highway without prior written application and approval by the board of supervisors or other governing body of the locality in which such public road or state highway is located.

One of HBAV's most significant concerns with this legislation was that it contained provisions that would grant third parties the right to contest the approval of a residential site plan or subdivision. The Code of Virginia currently does not grant third parties the authority to challenge the approval of a plat.

HB 1934 was defeated by a vote of 5 to 4 in a House Labor and Commerce subcommittee.

[Repeal of Virginia's Right to Work](#)

[HB 1755](#) would have repealed the provisions of the Code of Virginia that, among other things, prohibit any agreement or combination between an employer and a labor union or labor organization whereby (i) nonmembers of the union or organization are denied the right to work for the employer, (ii) membership in the union or organization is made a condition of employment or continuation of employment by such employer, or (iii) the union or organization acquires an employment monopoly in any such enterprise.

[Tax Conformity; PPP Loan Deductibility](#)

Governor Northam has signed legislation to advance the date of conformity of Virginia's tax code to the U.S. Internal Revenue Code from Dec. 31, 2019, to Dec. 31, 2020. Because of the bill's emergency clause, conformity goes into effect immediately and is retroactive. Among other things, the legislation allows for Paycheck Protection Program (PPP) loan deductibility up to \$100,000 for tax year 2020. The Virginia Society of CPAs have compiled an informative update on the various provisions of this law, [which can be found here](#).

State Budget Provisions

Environment and Natural Resources:

Additional Investment in DEQ Permitting Programs: Restoration of \$12M in FY 2022 for the Department of Environmental Quality's monitoring, compliance, permitting, and policy activities in its Water, Air, and Land Protection programs.

DEQ Fees and Additional Funding for the Stormwater Management Fund: Early in the Session, HBAV and the Virginia Association for Commercial Real-Estate (VACRE) expressed concerns with budget language which would have allowed the State Water Control Board to increase DEQ's fees for stormwater permits through an expedited process with minimal stakeholder engagement. Both HBAV and VACRE agree that the Department's fee schedule needs revisions but urged legislators and the Department to include language that would ensure that any consideration of fee increases go through the customary stakeholder engagement process (the "APA process").

During our discussions, the Department agreed that any new fee schedule would be adopted after a stakeholder engagement process (which will include representatives from HBAV and VACRE) and that the fee increases will only be for the Department's direct costs and not for any increase in fees going to the localities. The budget language also requires that the fees account for no less than 60% and no more than 62% of DEQ's direct costs.

Relatedly, HBAV and VACRE also supported the allocation of \$1.1M additional General Fund money to the Virginia Stormwater Management Fund to help the Department maintain its current staffing levels. This \$1.1M is new funding, is not tied to any fee increases, and will bring state funding of the program to the 40% level.

Nutrient Credit Workgroup: Directing the DEQ, Department of Agriculture and Consumer Services, and the Department of Forestry to establish workgroup to review the practice of retiring agricultural land for the generation of nutrient credits and determine its impact on agricultural sustainability, farmland retention, farmland preservation, and functions of the nutrient credit exchange in the Virginia portion of the Chesapeake Bay watershed and its subwatersheds. If it is determined that there is impact on farmland retention/availability, the report should include recommendations regarding how the nutrient credit trading regulations and/or underlying statutory authority should be changed to help reduce the loss of prime farmland. If the land for nutrient credits is converted to forestland, the workgroup should identify what protections are in the nutrient credit trading regulations to ensure the forestland is managed under a forestry management plan and/or noxious weed or invasive species are controlled.

Stakeholder Workgroup to Evaluate Virginia's Tree Statutes: Directing to the Department of Forestry to convene a stakeholder workgroup to review state statutes related to tree preservation, planting, and replacement during the land development process. HBAV successfully advocated to include similar language in [SB 1393](#), which as introduced, would have significantly expanded localities authority to enact tree ordinances. This budget amendment – and the amended version of SB 1393 – will allow for a more collaborative approach to evaluating possible changes to Virginia's enabling statutes related to trees.

Water Quality Improvement Fund: Appropriated \$100 million to partner with local governments and public service authorities to fund upgrades to approximately 30 wastewater treatment plants, with a strong focus on the James River watershed. This is a significant down payment on additional state funding assistance needed for facility improvements to be carried out over the next five years.

Stormwater Local Assistance Fund: Appropriated an additional \$25 million in FY 22 in grant funding to assist local governments with suburban and urban stormwater projects. This adds to \$50 million appropriated in 2020.

Agricultural BMPs: Appropriated an additional \$30 million for the state’s water quality cost-share program for farmers, bringing the total appropriation in FY 22 to \$65 million. This includes \$3.9 million for technical assistance in addition to the \$4.5 million for base technical assistance in the underlying budget for a total of \$8.45 million in technical assistance to Soil & Water Conservation Districts. This year’s Ag BMP is in addition to the approximately \$10 million provided from the state’s recordation fee.

Commerce and Trade:

Establishment of a Virginia Housing Opportunity Tax Credit: One of HBAV’s top legislative priorities this Session was to establish a Virginia Housing Opportunity Tax Credit ([SB 1197](#); [HB 2050](#)), also known as a State Low-Income Housing Tax Credit (LIHTC). Similar to the Federal LIHTC Program, the Virginia Housing Opportunity Tax Credit will incentivize private equity investments into affordable housing developments. That legislation was passed by the General Assembly and the budget adopted by the General Assembly allocated \$15M per year, for five years, for that program.

New Cabinet Official- Secretary of Labor: The approved budget creates a new cabinet-level position for a Secretary of Labor. This Secretariat will be responsible for overseeing the Virginia Department of Labor and Industry, the Department of Professional and Occupational Regulation, and the Virginia Employment Commission.

Accessory Dwelling Unit (ADU) Workgroup: HBAV advocated for [legislation](#) and budget language establishing a stakeholder advisory group to evaluate impediments to the construction of ADUs and developing recommendations for state policy changes that would facilitate increase construction of ADUs.

Other Budget Amendments:

Joint Subcommittee to Evaluate Virginia’s Tax Policy: Establishes the creation of a Joint Subcommittee on Tax Policy. This joint subcommittee will evaluate and make recommendations on potential changes to Virginia's tax policies, including changes to tax brackets, tax rates, credits, deductions, and exemptions, and any other changes it deems necessary. The Joint Subcommittee will consider factors such as equity, certainty, convenience of payment, economy in collection, simplicity, neutrality, economic efficiency and any other factors it deems relevant to the Commonwealth's tax policies.

Statewide Broadband Map: Allocated nearly \$500,000 to the Department of Housing and Community Development to support the creation of statewide broadband availability map indicating broadband coverage, including maximum broadband speeds available in service territories in the Commonwealth. The initial map will be due by July 1, 2022 and shall updated annually.

Virginia R-PACE Program (Residential Property Assessed Clean Energy): Directing the Department of Mines, Minerals, and Energy (DMME) shall establish a work group to determine the feasibility and approach of creating a Virginia R-PACE program. The R-PACE work group shall assess the status and readiness of Federal regulations to support an R-PACE program; determine market interest, size, and potential volume for a Virginia R-PACE program; recommend draft legislation to facilitate program implementation and administration; and develop draft guidelines governing R-PACE loans in Virginia.

Enterprise Zone Funding: Restored \$250,000 in funding for the Virginia Enterprise Zone Program.

Regional Budget Amendments:

Roanoke/Blacksburg-Christiansburg Intercity Passenger Rail: Allocated nearly \$83,500,000 to extend intercity passenger rail service from Roanoke, Virginia to the Blacksburg-Christiansburg, Virginia area and increase the frequency of intercity passenger rail service along the I-81/Route 29 Corridor from Washington, D.C.

Virginia Railway Express Manassas Line: Allocated \$83,500,000 to improve commuter rail service on the Virginia Railway Express Manassas Line.

Interstate 64 Corridor: Allocated \$93,100,000 for improvements to the Interstate 64 Corridor as follows: (i) to provide any amounts necessary to complete the funding plan for the Hampton Roads Express Lanes as identified in the Master Agreement for Development and Tolling of the Hampton Roads Express Lanes Network and (ii) any remaining amounts to improve Interstate 64 between exit 205 and exit 234 as determined by the Commonwealth Transportation Board.

Coastal Virginia Transportation Infrastructure Inundation Study: Directing the Department of Transportation and the Virginia Institute for Marine Science to provide an annual update on the status of the Coastal Virginia Transportation Infrastructure Inundation Study no later than December 1 of each year to various committees. The report shall include at a minimum: an up-to-date identification of at-risk rural, suburban and urban infrastructure, and planning and options to mitigate or eliminate the identified risks; and a report on what work remains to be completed and estimated time frame for the completion of its work.

Elevated Septic System Pilot Project in Rural Coastal Virginia: Allocated \$120,000 over two years to fund an elevated septic system pilot program at the Middle Peninsula Planning District Commission. Septic systems in coastal Virginia suffer from a constant threat of sea level rise, storm surges, and chronic flooding which can cause catastrophic failures of inground septic systems due to water inundation.