

Agenda

Legislative Subcommittee

February 7, 2003
5 p.m., Council Workroom

1. Update on City Package
2. HB1678
3. State Budget Proposals

February 7, 2003 (9:01am)

City Package

HB 1613 Pedestrians.

Summary as introduced:

Pedestrians. Provides that no pedestrian shall suddenly leave a curb or other place of safety and walk, run, or otherwise move into the path of a vehicle that is so close that it is impossible for the driver to stop before colliding with the pedestrian. The bill also requires the drivers to stop and remain stopped to allow a pedestrian to cross the highway and prohibits drivers of other vehicles approaching the stopped vehicle from the rear from overtaking and passing the stopped vehicle.

Patron: Darner

01/08/03 House: Presented & ordered printed, prefiled 12/26/02 034406696

01/08/03 House: Referred to Committee on Transportation

01/14/03 House: Stricken at request of Patron in Tra. (22-Y 0-N)

HB 1696 Photo-monitoring systems to enforce traffic light signals.

Summary as introduced:

Photo-monitoring systems to enforce traffic light signals. Expands photo-monitoring systems for traffic signal enforcement to all of Virginia instead of specified localities.

Patrons: McQuigg, Alexander, Almand, Barlow, Bland, Bolvin, Brink, Cosgrove, Crittenden, Kilgore, Lingamfelter, Marshall, R.G., Oder, Parrish, Petersen, Plum, Scott, Shuler, Van Landingham, Van Yahres and Watts; *Senator:* Colgan

01/20/03 House: Pending question ordered

01/20/03 House: Motion to rerefer to committee agreed to (51-Y 46-N)

01/20/03 House: VOTE: (51-Y 46-N)

01/20/03 House: Rereferred to Militia, Police and Public Safety

01/31/03 House: Failed to report (defeated) in M., P. & P. S. (11-Y 11-N)

HB 1710 Admissions tax; events to which admission charged.

Summary as introduced:

Admissions tax; events to which admission charged. Adds as an additional class admissions charged for entry into motion picture theaters to the list of events to which the local admissions tax is charged.

Patrons: Darner and Van Landingham; *Senator:* Ticer

01/08/03 House: Presented & ordered printed, prefiled 01/03/03 034170696

01/08/03 House: Referred to Committee on Finance

01/12/03 House: Fiscal impact statement from TAX (HB1710)

01/29/03 House: Passed by indefinitely in Finance (22-Y 0-N)

HB 1878 Pedestrians.

Summary as introduced:

Pedestrians. Allows Fairfax County, counties and cities adjoining Fairfax County, and towns within Fairfax County to require motorists to stop for pedestrians in crosswalks of highways with speed limits of 35 miles per hour or less. The provisions of the bill do not apply to intersections controlled by traffic lights.

Patron: Amundson

01/08/03 House: Presented & ordered printed, prefiled 01/07/03 031367610

01/08/03 House: Referred to Committee on Transportation

01/21/03 House: Failed to report (defeated) in Tra. (3-Y 19-N)

HB 2107 Recordation tax increase; City of Alexandria.

Summary as introduced:

Recordation tax increase; City of Alexandria. Permits the City of Alexandria, by local ordinance, to increase its recordation tax from an amount equal to one-third of the amount of state recordation tax to two-thirds. Moneys collected that are attributable to such increase shall be used to finance affordable housing or the acquisition or preservation of open-space land.

Patron: Van Landingham

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 036620544

01/08/03 House: Referred to Committee on Finance

01/17/03 House: Fiscal impact statement from TAX (HB2107)

01/29/03 House: Passed by indefinitely in Finance (21-Y 1-N)

HB 2532 Motor vehicle fuel sales tax.

Summary as introduced:

Motor vehicle fuel sales tax. Increases the rate of the motor vehicle fuel sales tax from 2 percent to 4 percent. The tax is currently imposed only in the Northern Virginia Transportation District.

Patron: Almand

01/08/03 House: Presented & ordered printed, prefiled 01/08/03 032401608

01/08/03 House: Referred to Committee on Finance

01/22/03 House: Fiscal impact statement from TAX (HB2532)

01/29/03 House: Passed by indefinitely in Finance (15-Y 7-N)

HJ 564 Study; Youth Commission.

Summary as introduced:

Study; Youth Commission. Directs the Commission on Youth to study the foster care payment rates in the Commonwealth.

Patron: Darner

01/08/03 House: Presented & ordered printed, prefiled 12/26/02 036207696

01/08/03 House: Referred to Committee on Rules

01/28/03 House: Stricken at request of Patron in Rules (17-Y 0-N)

HJ 635 Constitutional amendment (first resolution); restoration of civil right

Summary as passed House:

Constitutional amendment (first resolution); restoration of civil rights for certain felons.

Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of nonviolent felonies who meet the conditions prescribed by law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law for persons convicted of nonviolent felonies.

Patrons: Moran, Alexander, Kilgore, McDonnell, Melvin and Sears; *Senators:* Howell, Norment and Stolle

02/03/03 House: Agreed to by House (75-Y 18-N)

02/03/03 House: VOTE: ADOPTION (75-Y 18-N)

02/03/03 House: Communicated to Senate

02/05/03 Senate: Constitutional reading dispensed

02/05/03 Senate: Referred to Committee on Privileges and Elections

SB 912 Pedestrians.

Summary as introduced:

Pedestrians. Allows Fairfax County, counties and cities adjoining Fairfax County, and towns within Fairfax County to require motorists to stop for pedestrians in crosswalks of highways with speed limits of 35 miles per hour or less. The provisions of the bill do not apply to intersections controlled by traffic lights.

Patrons: Whipple, Byrne, Cuccinelli, Howell and Mims; *Delegates:* Almand, Amundson, Callahan, Darner, Petersen, Plum, Reese, Rust, Scott and Watts

01/29/03 Senate: VOTE: PASSAGE R (40-Y 0-N)

01/29/03 Senate: Communicated to House

01/30/03 House: Placed on Calendar

01/30/03 House: Read first time

01/30/03 House: Referred to Committee on Transportation

SB 1285 Local real estate assessments; buildings; completed or fit for use.

Summary as introduced:

Local real estate assessments; buildings substantially completed or fit for use and occupancy. Authorizes any county or city adjacent to Fairfax County to assess real estate tax on new buildings when substantially complete or fit for use and occupancy, regardless of the date of completion or fitness. Under current law, (i) any county, city, or town may assess real estate tax on new buildings that are substantially complete or fit for use and occupancy prior to November 1 of the tax year, and (ii) Fairfax County may assess real estate tax on new buildings when substantially complete or fit for use and occupancy, regardless of the date of completion or fitness.

Patron: Saslaw

01/31/03 Senate: Communicated to House

02/04/03 House: Placed on Calendar

02/04/03 House: Read first time

02/04/03 House: Referred to Committee on Finance

02/04/03 Senate: Fiscal impact statement from TAX (SB1285)

SJ 283 Constitutional amend. (1st resolution); restoration of civil rights.

Summary as passed Senate:

Constitutional amendment (first resolution); restoration of civil rights for certain felons.

Authorizes the General Assembly to provide by law for the restoration of civil rights for persons who have been convicted of nonviolent felonies and who meet such other conditions or limitations as may be prescribed by law.

Patron: Miller, Y.B.

02/04/03 Senate: Agreed to by Senate (34-Y 6-N)

02/04/03 Senate: VOTE: AGREE TO (34-Y 6-N)

02/04/03 Senate: Communicated to House

02/05/03 House: Placed on Calendar

02/05/03 House: Referred to Committee on Privileges and Elections

2003 SESSION

030938902

HOUSE BILL NO. 1678
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on General Laws
on January 30, 2003)

(Patron Prior to Substitute—Delegate Rapp)

A BILL to amend and reenact § 36-105 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 36-105.3, relating to the Uniform Statewide Building Code; inspection of rental property.

Be it enacted by the General Assembly of Virginia:

1. That § 36-105 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 36-105.3 as follows:

§ 36-105. Enforcement of Code; appeals from decisions of local department; inspection of buildings; inspection warrants.

Enforcement of the Building Code shall be the responsibility of the local building department. There shall be established within each local building department a local board of Building Code appeals whose composition, duties and responsibilities shall be prescribed in the Building Code. Appeals from the local building department concerning application of the Building Code or refusal to grant a modification to the provisions of the Building Code covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure shall first lie to the local board of Building Code appeals. No appeal to the State Building Code Technical Review Board shall lie prior to a final determination by the local board of Building Code appeals. Whenever a county or a municipality does not have such a building department or board of Building Code appeals, the local governing body shall enter into an agreement with the local governing body of another county or municipality or with some other agency, or a state agency approved by the Department for such enforcement and appeals resulting therefrom. For the purposes of this section, towns with a population of less than 3,500 may elect to administer and enforce the Building Code; however, where the town does not elect to administer and enforce the Building Code, the county in which the town is situated shall administer and enforce the Building Code for the town. In the event such town is situated in two or more counties, those counties shall administer and enforce the Building Code for that portion of the town ~~which~~that is situated within their respective boundaries. Fees may be levied by the local governing body in order to defray the cost of such enforcement and appeals.

Any building or structure may be inspected at any time before completion, and shall not be deemed in compliance until approved by the inspecting authority. Where the construction cost is less than \$2,500, however, the inspection may, in the discretion of the inspecting authority, be waived. The building official shall coordinate all reports of inspections for compliance with the Building Code, with inspections of fire and health officials delegated such authority, prior to issuance of an occupancy permit.

The local governing body may also inspect, and enforce the Building Code for, existing buildings and structures, whether occupied or not. The local governing body, however, shall inspect and enforce the Building Code for elevators except for elevators in single and two-family homes and townhouses. Such inspection and enforcement shall be carried out by an agency or department designated by the local governing body. However, upon a finding by the local building department, following a complaint by a tenant of a residential rental unit that is the subject of such complaint, that there may be a violation of the unsafe structures provisions of the Building Code, the local building department shall enforce such provisions. If the local building department receives a complaint that a violation of the Building Code exists that is an immediate and imminent threat to the health or safety of the owner or tenant of a residential dwelling unit or a nearby residential dwelling unit, and the owner or tenant of the residential dwelling unit that is the subject of the complaint has refused to allow the local building official or his agent to have access to the subject dwelling, the local building official or his agent may present sworn testimony to a court of competent jurisdiction and request that the court grant the local building official or his agent an inspection warrant to enable the building official or his agent to enter the subject dwelling for the purpose of determining whether violations of the Building Code exist. The local building official or his agent shall make a reasonable effort to obtain

030938902

HB1678HI

2/1/03 16:25

55 consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an
56 inspection warrant under this section.

57 The local governing body may, upon an affirmative finding of the need to protect the public
58 health, safety and welfare, require the issuance of certificates of compliance with current building
59 regulations for existing residential buildings located in conservation and rehabilitation districts
60 designated by the local governing body, or in other areas designated as blighted pursuant to
61 § 36-49.1:1, after inspections of such buildings upon termination of the rental tenancies or when such
62 rental property is sold, or at specific time intervals, for a specific property, but not more than once
63 each calendar year upon a separate finding that such additional inspections are necessary to protect the
64 public health, safety or welfare. If, however, an inspection has been conducted within the last
65 twelve-month period, no inspection shall occur upon the termination of a rental tenancy or upon a
66 change in ownership. The provisions of this section shall not in any way alter the rights and
67 responsibilities of landlords or tenants pursuant to applicable provisions of Chapters 13 (§ 55-217 et
68 seq.) or 13.2 (§ 55-248.2 et seq.) of Title 55. Such certificate of compliance shall be issued in
69 accordance with the administrative provisions of the Building Code.

70 § 36-105.3. Authority of localities to adopt rental inspection ordinances.

71 A. The local governing body may adopt an ordinance to inspect existing residential buildings,
72 hereinafter referred to as dwelling units, for compliance with the Building Code only in accordance
73 with the following:

- 74 1. The dwelling unit is rented to a third party for compensation and is not owner-occupied;
- 75 2. The dwelling unit (a) is located in a conservation or rehabilitation district established by the
76 local governing body or (b) has been designated by the local governing body as blighted pursuant to
77 § 36-49.1:1;
- 78 3. The dwelling unit has been included in a conservation or rehabilitation district because there is
79 a need to protect the public health, safety and welfare;
- 80 4. There is evidence of substantial violations of the Building Code that have not been remedied by
81 owners of the dwelling units in such conservation or rehabilitation districts;
- 82 5. The majority of the dwelling units in a conservation or rehabilitation district were constructed
83 more than 20 years prior to the adoption of the ordinance;
- 84 6. There is evidence that the owners of dwelling units within the conservation or rehabilitation
85 district have a greater number of violations of the Building Code than dwelling units in the locality
86 outside such conservation or rehabilitation district. A local governing body, however, is not required
87 to make this finding as between other conservation or rehabilitation districts established in a locality;
88 and

89 7. The dwelling unit is not exempted from the rental inspection ordinance adopted in accordance
90 with this section.

91 B. The owner of a dwelling unit in any conservation or rehabilitation district may apply to the
92 local building department for an exemption from the rental inspection ordinance. An exemption shall
93 be granted to the owner of the dwelling unit if:

- 94 1. The dwelling unit is owner-occupied;
- 95 2. The dwelling unit was constructed within a 5-year period from the date of the exemption
96 request submitted by the owner of the dwelling unit, or if the dwelling unit has been substantially
97 rehabilitated, in the determination of the local building department, within a 5-year period from the
98 date of the exemption request; or
- 99 3. The dwelling unit is inspected by the local building department and no violations of the
100 Building Code are discovered.

101 Any exemption from a rental inspection ordinance granted by the local building department in
102 accordance with this section shall be valid for a period of at least 5 years, unless the dwelling unit so
103 exempted is damaged or if there is evidence of specific violations of the Building Code, in which case
104 the exemption shall be revoked by the local building department until such time as the dwelling unit
105 is determined to be in compliance with the Building Code.

106 A rental inspection ordinance adopted by a local governing body pursuant to this section may
107 include a provision for written notices to be sent by regular mail to owners of dwelling units in any
108 conservation or rehabilitation district advising such owners of their right to request an exemption

109 from the local rental inspection program. The application for exemption from a local rental inspection
 110 program may require such owner to submit such information as is necessary for the locality to
 111 process the exemption request. An owner of a dwelling unit shall have a right to obtain an exemption
 112 from a local rental inspection ordinance.

113 C. A local governing body may not charge a fee for the inspection of dwelling units that are
 114 entitled to an exemption under subsection B. Notwithstanding any other law to the contrary, for
 115 purposes of this subsection, a local rental inspection ordinance may provide for the imposition of a
 116 fee for inspection of a dwelling unit subject to the rental inspection ordinance. However, any such fee
 117 imposed shall reflect the actual cost incurred for the inspection, not to exceed \$50. No other fees are
 118 permitted to be charged pursuant to any rental inspection ordinance adopted by a local governing
 119 body.

120 D. Inspection of dwelling units subject to a local rental inspection ordinance may occur only upon
 121 termination of the rental tenancies. However, upon a separate finding by the local governing body of
 122 the need to protect the public health, safety and welfare with respect to a specific property, a rental
 123 inspection may be conducted of that specific property, for the purpose of determining compliance with
 124 the Building Code.

125 E. Inspections of dwelling units subject to a rental inspection ordinance shall be conducted by the
 126 local building department within 10 business days of a written request of the owner of the dwelling
 127 unit, unless the local building department and the owner of the dwelling unit agree on a later date, or
 128 the local building department determines that it is impractical to complete the inspection within the
 129 10-day period, in which case, the inspection shall be scheduled as soon as practicable.

130 F. Nothing in this section shall be construed to prevent the owner of a dwelling unit from renting
 131 the dwelling unit prior to or during the period of the inspection by the local building department. The
 132 local building department, however, may enforce the Building Code to protect the public health,
 133 welfare and safety, including the authority to inspect dwelling units in accordance with this section.

134 G. The provisions of this section shall not in any way alter the rights and responsibilities of
 135 landlords or tenants pursuant to applicable provisions of Chapters 13 (§ 55-217 et seq.) or 13.2
 136 (§ 55-248.2 et seq.) of Title 55.

137 2. That local rental inspection ordinances adopted on or before July 1, 2003, shall be brought
 138 into compliance with the provisions of § 36-105.3 of this act by July 1, 2004, or such ordinances
 139 shall be void.

Passed By		Official Use By Clerks	
The House of Delegates		Passed By The Senate	
with amendment	<input type="checkbox"/>	with amendment	<input type="checkbox"/>
substitute	<input type="checkbox"/>	substitute	<input type="checkbox"/>
substitute w/amdt	<input type="checkbox"/>	substitute w/amdt	<input type="checkbox"/>
Date: _____		Date: _____	
_____		_____	
Clerk of the House of Delegates		Clerk of the Senate	

House and Senate Budget Proposals Affecting the City of Alexandria: FY 03-04

Program	Governor's Budget	House Proposal	Senate Proposal	Comments
1. Federal Prisoner Per Diem Funds	Exempts City from sharing federal per diem funds with State	Revert \$1.09M annually of City per diem receipts to the State	Proposes no sharing of federal per diems with State	House (but not Senate) is seeking \$20 per prisoner day of federal per diem payments to City. Federal per diem payments are currently \$93.92 per prisoner per day.
2. HB 599	\$6,110,429 (03) \$6,300,000 (04 est.)	\$5,935,230 (03) \$5,935,230 (04)	\$5,947,100 (03) \$6,128,000 (04 est.)	Staff projected the proposed House reductions in its analysis of the Governor's December 20, 2002, proposed amendments.
3. Arlandria Clinic	\$95,625	\$95,625	\$95,625	House proposes funding the Clinic as a "special project," which means it is not built into the State budget, and will have to seek special funding each biennium.
4. Salary Increases for state-supported local employees	No increases proposed	Proposes 2.5% increase, Dec/03	Proposes 2% increase, Dec/03	
5. Salary increases for teachers	No increases proposed	No increases proposed	Proposes \$61,166 in salary increases for teachers	
6. Alexandria City Public Schools	Proposes only technical changes, due to changes in sales tax revenues and population	03: (\$17,999) 04: \$104,072	03: (\$17,999) 04: \$110,167	Changes in both House and Senate are supposed to be due entirely to decreased student population and changes to sales tax revenue distributions; it is unclear why there is a \$6,000 difference in FY04.
7. Litter Control	Eliminates state funding	Accepts Governor's recommendation to eliminate funding	restored funding	City is receiving approximately \$15,869 from the state for this program in the current fiscal year.
8. Project Discovery	Provides \$849,060	Eliminates all state funding	Accepts Governor's recommendation	
9. State-Local Hospitalization Program	No changes proposed	Increases local share from 25% to 27%	No changes proposed	Decreases state (and increases local) funding statewide by \$367,000; unable to determine precise impact on City
10. Payments to Treasurers & Commissioners of Rev. (City Finance Department)	No further reductions below October proposals	Proposes further reductions of \$4.7M in 04	Accepts Governor's recommendation	House proposal eliminates state funding for localities to assist residents in filing State tax returns.

11. Payments to Commonwealth's Attorneys	In October, proposed 7% reduction; in December, lowered this to 5%	Accepts Governor's December recommendation	Proposes 7% reduction in 03, and 5% in 04	The Governor and Housed propose a reduction of \$42,400 each year; the Senate proposes a reduction of approximately \$59,360 in 03, and \$42,400 in 04.
12. Homeless Programs	Proposes no new funding	Proposes no new funding	Recommends \$900,000 statewide in additional funding	\$383,868
13. Mental retardation waivers	Proposes no new funding	Adds funding for 150 additional waiver slots for mentally retarded persons statewide	Adds funding for 175 additional waiver slots for mentally retarded persons statewide	Unable to determine how many Alexandrians would directly benefit.
14. TANF	No significant amendments	Reduces TANF funding by 15% for a number of programs, including domestic violence, homeless assistance, and Healthy Families	No significant amendments	The City's domestic violence program will lose \$8,000 as a result of the TANF reductions. These TANF funds pay for 25% of a social worker's salary, plus half her benefits, as well as a full-time volunteer coordinator. The social worker is the primary worker for all TANF-eligible shelter clients (which make up 80% of the shelter clients).
15. Fines for speeding tickets	Does not address this issue	Directs a portion (\$2 of each \$5) of fines imposed by localities for violating a local speeding ordinance where the posted speed limit is 55 mph or more (i.e., I-395 & 495) to the State Literary Fund	Does not address this issue	The purpose of the State Literary Fund is to make low-interest loans to school divisions in less affluent localities, but it is also used by the General Assembly to fund teacher retirement costs and other education costs when state revenues are down. This is expected to have minimal fiscal impact on the City, since City Police charge very few drivers with speeding on the interstate. VML is concerned about the precedent this sets (for the State to allocate a portion of local fines to the Literary Fund).
16. VA CARES (pre/post incarceration services)	Asked to add \$438,274	Did not add funds	Did not add funds	Governor wanted to provide funding needed for federal match; since neither house accepted the Governor's recommendation, this match funding will not be appropriated.