



# 2021 GENERAL ASSEMBLY LEGISLATIVE UPDATE

March 4, 2021

# Resiliency

- Create the Virginia Commonwealth Flood Board (CFB) [SB1352](#)
  - Direct & prioritize funding for flood mitigation, align State agencies, coordinate planning & adaptation efforts
  - Amendments put SNR in charge, stricken at Lewis's request
- Incorporating resilience into transportation [SB1350](#)
  - Incorporates resiliency into Six-Year Improvement Program, Statewide Transportation Plan, and transportation design standards
  - Sent to Governor on February 25

# Resiliency

- Real Estate Disclosures for Flooding [SB1389](#)
  - Amend Virginia's residential property disclosure requirements
  - Requires "Flood Risk Information Form" to educate buyers about flooding, but does not contain property-specific information
  - Requires loss disclosure of repetitive loss from flooding for residential properties
  - Sent to Governor on February 24
- Study for a flood resilience 'Clearinghouse' [HB2187](#)
  - DCR and Commonwealth Center for Recurrent Flooding Resiliency to:
    - Evaluate development of a Flood Resiliency Clearinghouse Program
    - Study water quality and flooding BMPs, focused on nature-based solutions,
    - Report due to General Assembly by 11/1/21
  - Sent to Governor on February 26

# Stormwater Local Assistance Fund (SLAF)

- Request DEQ to revise the priority ranking criteria for SLAF to include Nitrogen & Request fiscally stressed communities receive higher funding proportions (>50%) of SLAF dollars [SB1404](#)
  - ▣ Use a simple method, converting nitrogen to phosphorus or something similar, no need for a study
  - ▣ Similar to how wastewater funding is allocated through WQIF which prioritizes low income communities
  - ▣ Enrolled, waiting Governor's signature
- SLAF Scoring criteria assessment to include resilience and capacity needs [Item 377 #4h](#)
  - ▣ Not included in budget language

# Replacement & Conservation of Trees

- Currently, the % of trees that local govts can require developers to replace or conserve during development ranges from 10-30% [HB2042](#)/[SB1393](#)
- Bills **enable** local govts to adopt higher % where trees are used to meet water quality, flooding management, equity, and comp plan goals
- Enrolled, waiting Governor's signature
- Creates a workgroup, report due 10/1/21
- Delayed enactment clause, not effective unless reenacted by 2022 GA

# Watch list

- Modified Phase III WIP requirements for Wastewater [HB2129/SB1354](#)
  - Funding and nutrient trading program in lieu of floating wasteload allocations
  - Substitute reported from Appropriations
  - Passed Senate and House
- Water quality standards, changes authority from DEQ to the SWCB to approve certain water quality standards permits and certifications related to pipelines, [SB1311](#)
  - Enrolled, waiting Governor's signature

# Watch list

- Erosion and sediment control plans for solar facilities (>5MW) to be approved by DEQ for non-MS4, non-VSMP authorities, must have 4 full-time DEQ staff in budget for amendment to pass [SB1258](#)
  - ▣ Passed House and Senate, requires appropriations, 2 FTEs included
- Workgroup to evaluate carbon sequestration [Item 372 #1h](#)

# Budget Items

- SLAF funding, \$75M available as of 7/1/21
- WQIF includes additional \$100M, direct support for upgrades as a result of HB2129/SB1354
- VA Agricultural Cost-Share, \$65M available
- DEQ support for air, water, and land programs, \$12M
- Increase VCAP Appropriation by \$500K, \$1M total