



2020 GENERAL ASSEMBLY LEGISLATIVE UPDATE

March 5, 2020

Resiliency – Shoreline Resiliency Fund

- HB22 (Lindsey)/SB320 – (Lewis) (passed House and Senate)
 - ▣ Renames the Virginia Shoreline Resiliency Fund as the Virginia Community Flood Preparedness Fund
 - ▣ Fund is a special nonreverting fund administered by DCR and VRA
 - ▣ Funding for flood prevention and protection projects and studies in areas subject to recurrent flooding
 - ▣ At least 25% of funding each year shall be used for low-income areas
 - ▣ May consist of both loans and grants (TBD based on guidelines developed by DCR)
 - ▣ Priority for community-scale hazard mitigation and nature-based solutions

Resiliency – State Organizational Structure

- HB1313 (Hodges) – (passed House and Senate)
 - ▣ Chief Resiliency Officer designated with additional authority to coordinate across departments.
 - ▣ Assigns duties to CRO and to Special Assistant to the Governor for Coastal Adaptation and Protection.

- HB389 (Miyares) – (continued to 2021)
 - ▣ Establishes Commonwealth as nonfederal sponsor for ACOE projects, Governor reports on agency roles in 1 year

Resiliency – Climate Change Planning

- HB672 (Willett) – (continued to 2021)
 - ▣ State agencies required to assess impacts of new regulations & policies on climate change
 - ▣ Local & regional planning commissions required to consider impacts of climate change in adopting comprehensive plans, regional strategic plans, & zoning ordinances
 - ▣ Substitute engrossed by House

Resiliency – “Soggy Socks” revised

- HB1364 (Hodges) – (continued to 2021)
 - ▣ Creates pilot program allowing Middle Peninsula Chesapeake Bay Public Access Authority to research if RPA can be modified to protect property from recurrent flooding and improve water quality

- HB1366 (Hodges) – (continued to 2021)
 - ▣ Creates program with DEQ and VDH to identify solutions for septic tanks in the RPA that are prone to recurrent flooding

Resiliency – Insurance & Living Shorelines

- HB794 (Askew) – (continued to 2021)
 - Directs Virginia Resources Authority to establish a program to subsidize the purchase of flood insurance by low-income Virginians

- HB1375 (Hodges) – (passed House and Senate)
 - Amends previously passed living shoreline legislation.
 - Includes shorelines that enhance coastal resilience and attenuation of wave energy and storm surge in the definition of living shorelines.

Wetlands – Living Shorelines

- SB776 (Lewis) – (passed House and Senate)
 - ▣ Directs VMRC to permit only living shorelines unless “best available science” shows that they are not suitable
 - If not suitable, must include statement in permit application describing why
 - ▣ Adds sea level rise and coastal hazards to goals of wetlands preservation decisions by VMRC and local wetlands boards
 - ▣ Directs VMRC to develop minimum standards for protection and conservation of wetlands

Stormwater – SLAF

- Senate proposed \$50M (\$25M per year)
- House proposed \$92M (\$46M per year)

- SJ53 (Lewis) – DEQ study to revise the priority ranking criteria for SLAF to include Nitrogen
 - ▣ Reported from Finance and Appropriations with Amendments

Stormwater – BMPs

- HB 520 (Bulova) – Directs DEQ to form a SAG and study the planting and preserving of trees as a land cover type and as stormwater BMP; report findings by Nov. 1, 2020
 - ▣ Passed
- HB 882 (Bulova) Stormwater management; proprietary best management practices; reciprocity.
 - ▣ MTDs currently on BMP Clearinghouse have until 12/31/21 to provide certification documentation to remain
 - ▣ Passed

Stormwater – Disclosure of BMPs

- HB 859 (Convirs-Fowler) Stormwater management facilities; private residential lots; disclosure
 - ▣ Directs the SWCB to adopt regs to require property owners to disclose maintenance and inspection requirements
 - ▣ Passed
 - ▣ Questions regarding the role of a VSMP Authority in real estate transactions and how to verify the disclosure

Stormwater – Water Quality Trading

- SB747 (Hanger)/HB1609 (Mugler) – Limits credit transfers to private sector
 - VAMSA added language so this will not affect locality trading agreements and pro rata share programs
 - Passed

Stormwater – Miscellaneous

- SB843 (Chapman Petersen) – Stormwater & ESC acceptance of plans in lieu of plan review for *de minimus* activity
 - ▣ Administrative bill only applicable when DEQ is the VSMP Authority
 - ▣ Passed
- HB1205 (Tran) – Notice of discharge of deleterious substance into state waters
 - ▣ 12 hours to report to DEQ notice of discharge
 - ▣ DEQ then has 12 hours to report discharges with more than a *de minimus* impact to media outlets
 - ▣ Passed

Stormwater – Miscellaneous

- HB 1173 (Lopez)/ SB 685 (Mason) Tax exemption for certified pollution control equipment and facilities; timing of certification by the state certifying authority.
 - Eligible property includes equipment/facilities used by local govts for water systems
 - Passed

Utility Solar

- HB655 (Heretick)/ SB870 (Marsden) – Broader conditional zoning authority for solar projects
 - ▣ Passed in House and Senate
- HB657 (Heretick) – Narrows requirement to review solar facilities for “substantial accord” with comprehensive plan
 - ▣ Competing versions passed in House and Senate

Utility Solar

- HB1131 (Jones) – Allows local revenue sharing up to \$1,400/MW in exchange for full M&T tax exemption
 - ▣ Passed in House and Senate
- HB1434 (Jones) – Phased decrease in local property tax exemption
 - ▣ In conference committee

Offshore Wind

- \$40 million budget proposal to support offshore wind staging and manufacturing activities at PMT
- Virginia Office of Offshore Wind
 - ▣ House budget funds office at \$275,000/year
 - ▣ Senate budget funds office at \$500,000/year
- HB1526 (Sullivan) /SB851 (McClellan) – Virginia Clean Economy Act
 - ▣ In conference committee
 - ▣ Establishes a renewable portfolio standard (RPS) requiring 100% renewable electricity production by 2045
 - ▣ 5,200 MW must come from offshore wind by 2034

Regional Greenhouse Gas Initiative

- HB981 (Herring) – Clean Energy and Community Flood Preparedness Act
 - ▣ Passed in House and Senate
 - ▣ Establishes CO₂ cap and trade program compliant with RGGI
 - ▣ Directs 45% of RGGI auction proceeds to Virginia Community Flood Preparedness Fund
 - ▣ Virginia Community Flood Preparedness Fund
 - Administered by DCR
 - Provide loans and grants to localities to implement flood prevention projects and studies