



2021 GENERAL ASSEMBLY LEGISLATIVE UPDATE

February 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 SMART SCALE [SB1350](#)
 - ▣ Amend the method used to prioritize transportation projects for state funding to incorporate resiliency features into the scoring system
 - ▣ Substitute reported to Finance
 - Instead of SMART SCALE, bill incorporates resiliency into Six-Year Improvement Program, Statewide Transportation Plan, and transportation design standards

Resiliency

- Real Estate Disclosures for Flooding [SB1389](#)
 - ▣ Amend Virginia’s residential property disclosure requirements to require the seller to disclose information on property’s vulnerability to flooding & history of flood damage or insurance claims
 - ▣ Substitute reported to Finance
 - Eliminates requirement for DCR to establish statewide database of flood risk reports for all parcels
 - Retains “Flood Risk Information Form” and repetitive loss disclosure
- 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
 - ▣ Passed House

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
 - ▣ Not heard yet
- SLAF Scoring criteria assessment to include resilience and capacity needs [Item 377 #4h](#)

Replacement & Conservation of Trees

- [HB2042/SB1393](#)
- Currently, the % of trees that local govts can require developers to replace or conserve during development ranges from 10-30%
- Bills **enable** local govts to adopt higher % where trees are used to meet water quality, flooding management, equity, and comp plan goals
- Passed House; some pushback from developers wishing to wait for trees as a BMP study

Budget Items

- SLAF funding to support \$50M based on 2020 needs assessment [Item C-70 #1h/#2s](#)
- Increase VCAP Appropriation by \$500K, \$1M total [Item 373 #3h/#1s](#)
- Workgroup creation to review retiring agricultural land to generate nutrient credits in the Bay watershed [Item 377 #7s](#)
- Joint workgroup (DEQ, VDACS, & VDH to report on prevalence of harmful algae blooms in VA waters [Item 377 #7h/#4s](#)

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
- Green New Deal Act establishes a moratorium on approval of facilities that generate, import, export, transport, exploration, etc. of fossil fuels, 80% of electricity generated from clean energy resources between 2028 – 2035, 100% post 2035... [HB1937](#)
 - Referred to Labor and Commerce

Watch list

- Water quality standards, changes authority from DEQ to the SWCB to approve certain water quality standards permits and certifications related to pipelines [SB1311](#)
 - ▣ Referred to Ag. Committee
- 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](#)
 - ▣ Referred to Senate Finance
- Workgroup to evaluate carbon sequestration [Item 372](#)
[#1h](#)