

**CHARLOTTESVILLE CITY COUNCIL
STATEMENT OF LEGISLATIVE POSITIONS
FOR THE 2023 REGULAR GENERAL ASSEMBLY SESSION**

This statement is organized by subject areas, but to make it clear which issues we feel are most important for this legislative session, we have placed those paragraphs in bold-faced type.

A. Children’s Education, Services and Programs

- 1. Our most important legislative priority is legislation to allow all localities the option of enacting a one-cent sales tax increase to provide local revenue to be used for construction or renovation of public-school facilities. Currently, only a few localities have been designated as “qualifying localities” under the provisions of Va. Code §§58.1-602, 58.1-605.1, and 58.1-606.1 to raise revenue in this manner, yet the need for this additional revenue source extends beyond those few localities that have it. If legislation allowing all localities this option is not successful, we would also support any bill that would allow Charlottesville the option.**
2. We endorse state funding provided to support implementation by local school divisions of extended school day/extended school year programs and encourage continuation of these dollars.
3. We support changing the education funding formula (“Local Composite Index”) to take poverty within each locality’s jurisdiction into account.
4. We support the state authorizing local school divisions to construct housing for teachers on school-board-owned, or local-government-owned property.
5. We support expansion of preschool and after-school programs for children with working parents, the provision of subsidies for low-income families, and the allocation of state grant money to businesses that institute childcare or other family support programs within the workplace.
6. We oppose state efforts to limit local authority over management of local school districts; to efforts to reduce or divert state funds and resources intended for local public schools to fund charter, college partnership laboratory schools, or other state initiatives; or to efforts to increase state government initiatives that adversely affect the needs of existing public school systems.
7. We support the school construction grant program, and we believe it should be consistently funded. Until revenue from the Gaming Proceeds Fund is sufficient to significantly help communities pay for school construction or renovation needs, the state should continue to use general funds to fill in the gap.

B. Affordable Housing; Regulation of Development

Local Authority over Local Real Estate

1. We encourage the General Assembly to authorize localities to require affordable housing set-asides for large developments. In localities where there is an affordable housing crisis, market forces are not delivering new affordable units, and the over-complexity of the density bonus provisions within Virginia Code § 15.2-2305 make that statute difficult to interpret and apply.
2. We call for state legislation that will require AirBnB, VRBO, and similar short-term rental platforms to disclose information about short term rentals to local government officials, sufficient to allow local officials information necessary to verify that local taxes are being paid and local zoning ordinances are being complied with.
3. We support any legislative action that would allow localities greater flexibility in (i) the range of methods that may be applied to implement local affordable housing programs, and (ii) the use of public funding for the promotion and establishment of affordable housing.
4. We support establishment of a statewide rental assistance voucher program, calibrated to fit regional housing markets, and funded through the state Housing Trust Fund and/or Communities of Opportunity Tax Credit and Vibrant Community Initiative administered by VHDA.
5. The state should enhance funding for affordable homeownership grants and loans, through the Virginia Housing Development Authority. For public universities, the state should provide funding for housing assistance for university employees who earn less than 60% AMI.
6. We oppose any legislative action that would limit our local authority to regulate the nature and intensity of specific uses of land, in relation to their location(s) within our city; we oppose any legislation that would single out specific land uses for special treatment throughout the Commonwealth without regard to the impact of such land uses in particular locations.

C. Environment

Water Quality/ Stormwater Management Positions:

Background: The City of Charlottesville is committed to a Water Resources Protection Program that prioritizes compliance, flooding and draining improvements, water quality, and stewardship.

1. The state should maintain at least the \$50M Stormwater Local Assistance Fund (SLAF) appropriation that provides matching grants to localities for stormwater management projects and best management practices.
2. We support adequate state funding and training, as well as an expansion of allowable stormwater management “best practices,” that would enable the State and local governments to meet total maximum daily load (TMDL) nutrient and sediment reduction requirements, and ongoing costs associated with local stormwater management programs that became effective in 2014.

3. We oppose any legislation that would require a locality to waive stormwater utility fees, or to exempt railroad companies or other entities from the requirement to pay local Stormwater utility fees--all landowners should be required to share in the cost of stormwater utility programs.
4. We support allocation of the mandated Water Quality Improvement Fund deposit (approximately \$131.0 million in Fiscal Year 2023) for wastewater infrastructure projects.

Chesapeake Bay Preservation Act Positions

The City of Charlottesville does not oppose expansion of the CBPA beyond its current tidal river boundaries. In this regard, our position differs from TJPD position.

Clean Energy Positions:

Background: The City of Charlottesville is committed to reducing its community-wide greenhouse gas (GHG) emissions associated with energy use. This has been formalized in the recent adoption of updated GHG reduction goals for 45% reduction by 2035 and carbon neutrality by 2050. Increasing the availability of financial resources, including grant programs and incentives, to a broader range of community members is one key to our success.

1. **We oppose any legislation to repeal or weaken any policies that promote carbon-free power generation, including the Clean Energy and Community Flood Preparedness Act and the Virginia Clean Economy Act.**
2. **We oppose any regulatory or legislative effort to withdraw from the Regional Greenhouse Gas Initiative (RGGI).**
3. **We oppose the efforts of the natural gas industry to tie the hands of the localities in how the localities deal with gas utilities.**
4. We encourage our representatives to endorse policies, legislation, funding, and data sharing proposals that reduce greenhouse gas emissions as well as support energy efficiency, renewable energy use, equity, and job creation.

Energy Efficiency:

1. We support energy efficiency programs and policies that will address disproportionate utility cost burdens on low- and moderate-income citizens.

Renewable Energy:

1. **We support removing barriers for localities seeking to participate in net and virtual net metering through the state's existing municipal net metering pilot program allowing for eligibility of facilities installed and operated pursuant to power purchase agreements (PPAs) and raising or removing system size limits that are inconsistent with state's net metering provisions.**
2. We support distributed solar support through incentives such as tax credits, rebates, and/or low-interest loans, and financing aimed at a broader population (including those that currently lack access to cost-

effective financing tools); and ensure these incentives reach members of low-income communities and people of color.

3. We support expanding the availability of the shared solar programs by increasing or eliminating program caps, ensuring the equity component is maintained, establishing customer safeguards, and ensuring that public entities can realize savings from shared solar.
4. We support solar-plus-storage support for buildings that can serve as resilience hubs for communities, especially those in low-income areas, during storm events and other widespread grid outages.

Buildings:

1. We support public benchmarking and disclosure of adherence to an energy performance standard.
2. We support giving localities the authority to require commercial building energy benchmarking.
3. We support an energy data-sharing standard to support the development and targeting of energy improvement programs.
4. We support legislative or regulatory initiatives to allow the state to adopt residential and commercial building codes that meet or exceed the latest national and international standards.
5. We support giving localities the authority to require greater energy efficiency (stretch codes) within their jurisdictions.

Vehicles and Transportation:

1. **We support state incentives to speed the adoption of electric vehicles -- enabling tax benefit powers for localities, authorizing localities to incentivize the installation of EV charging facilities at residential and commercial locations, and amending statewide building codes to ensure that residential, office, and retail development have “EV ready” wiring.**
2. We support funding of the EV rebate program that was established in 2021.
3. We support state funding to support localities in their efforts to electrify their fleets.
4. We support participating in the Transportation and Climate Initiative to build on the RGGI program model of establishing a funding source to support emission reduction in the transportation sector.
5. We support proposals for state cost-share funding for public transit and school buses to include a zero emission bus (ZEB) comparison analysis.

Landfill Diversion Positions:

1. We support moving toward an extended producer responsibility (EPR) approach to address difficult-to-handle products and packaging in the Commonwealth. This would establish legislative or regulatory criteria for the inclusion of specific products and/or packaging in the Commonwealth’s EPR program. A framework EPR approach would better keep pace with the evolving products and packaging in the marketplace in Virginia, reduces waste,

supports a recovery and circular economy, and distributes the burden of disposal and recycling on those responsible for the manufacture, distribution and use of these products.

2. We support giving localities the authority to prohibit yard waste and brush from municipal solid waste (landfill) collection.

D. Transportation

We urge legislators to increase state funding:

1. **For public transit and transit planning, to leverage local investments in public transit and infrastructure that accommodates walking and cycling, as well as automobile travel, for the expansion and maintenance of all modes of our transportation infrastructure;**
2. For important local and regional Smart Scale projects, including those that promote walking and cycling as viable modes of transportation for commuting (not just recreation) and as a key strategy related to GHG reduction goals. We also support the establishment of a “Smart Scale-type” prioritization for rail and transit projects;
3. For lane-mileage rates for funding of local street maintenance (primary/urban funds); and
4. For passenger rail projects and intercity transit connecting communities across the Commonwealth.

We ask that the manner in which transportation funding is provided be modified to allow localities flexibility to apply transportation funding in a manner that they deem most beneficial to their own communities. Localities should have the right to determine whether allocations of state funding should be spent for maintenance of existing streets or for new construction. We also support the state applying equal weight to projects that enhance bicycle and pedestrian mobility as well as public transit systems in determining Smart Scale funding priorities.

E. Criminal Justice Reform

1. The State should increase funding to the Virginia Juvenile Community Crime Control Act (VJCCCA) program, which has demonstrated effectiveness in substantially reducing the number of juvenile justice commitments over the past decade.
2. The State should end mandatory minimum sentencing.
3. The State should revisit Virginia’s policies on parole and decriminalize offenses that do not threaten public safety. Additional funding should be provided to support diversion programs (such as rehabilitative and educational programs) as alternatives to prison for first time offenses, especially for women.
4. The State should repeal all laws that automatically exclude individuals with criminal convictions from public benefits, housing, driver’s licenses, civic participation (voting), and educational and employment opportunities.
5. We encourage legislation that would allow restricted driver licenses to be issued for as long as a court deems appropriate, and to allow courts to issue restricted licenses when necessary to facilitate the employment, or continued employment of an individual who is otherwise subject to revocation of his or her driver license.

6. We encourage legislation designed to assist individuals released from incarceration acquire employment, educational programming, mental health counseling, and reliable housing.
7. We support funding for organizations seeking to assist those recently released from incarceration and understand that providing support for these individuals will reduce recidivism and homelessness, lower reincarceration costs, and create better outcomes for families and communities throughout the Commonwealth.

F. Policing; Public Safety

1. **We encourage the General Assembly to amend §2.2-3711 of the Virginia Freedom of Information Act, to expressly allow police civilian oversight boards the authority to convene within closed meetings, to protect the privacy of complainants and to deliberate on police officer personnel and disciplinary matters.**
2. **The state should provide funding for the following: 1) community policing initiatives, including housing assistance payments for local police officers who live within the communities they serve; 2) recruitment of women and minorities into professional policing careers; 3) continued training and implementation of uniform, DCJS-approved best practices for crowd management at civil disturbances, especially for urban police departments; and 4) implementation of 21st century policing strategies in all aspects of management and operations of urban police departments.**
3. We encourage the General Assembly to authorize local law enforcement agencies within urban areas to utilize photo-speed-monitoring devices in school zones and on residential streets. Such devices have been in use within DC and Maryland for years, and state police are now authorized to use them. These devices would enhance safety within urban jurisdictions.
4. We encourage the General Assembly to allocate appropriate funds to develop and promote the Marcus Alert Plan, allowing for mental health professionals to respond to emergency calls based on behavioral health crises, with the eventual goal of providing mobile crises services and stabilization services state-wide. This plan promotes public safety and decriminalizes mental health crises, while reducing arrests and stigmas surrounding mental health, by prioritizing de-escalation and non-lethal force.
5. We urge the General Assembly to dedicate near-term financial state support to assist communities with the upfront, pre-implementation administrative, health, and public safety costs incurred prior to the start of legal sales in localities. This includes training for local law enforcement, and other applicable local government personnel (taxation, code enforcement, zoning, etc.) on the new law and regulations.
6. We urge the Cannabis Control Authority to begin its work as soon as possible to fill the regulatory vacuum. This work must include participation by local governments to clarify state and local roles and responsibilities pertaining to marijuana rules and regulations, including but not limited to, establishing enforcement guidance and training standards, guidance for marijuana equivalents, and eliminating ambiguity from local authority. We also ask for either legislative or regulatory action to determine how to safely regulate the purity, dosage, additives/ingredients, sales locations, taxation, and other issues related to consumer protection.

7. We support legislation that makes it a crime to make a hoax communication to 9-1-1 (or to a private citizen, who then communicates the false information to 9-1-1) regarding an immediate threat to human life with the intent of triggering an immediate and significant law enforcement response, usually involving a SWAT team (thereby known as “swatting”).
8. We support legislation to change the requirement that a police officer remain with someone who is the subject of an Emergency Custody Order until a bed is found for that person. This requirement is causing Police Departments to take officers off of regular patrol duties for up to 72 hours at a time when Police Departments across the Commonwealth are having trouble hiring enough officers to meet pressing needs.

G. Local Firearms Regulation

1. We support the General Assembly’s efforts to comprehensively reform Virginia’s gun control laws. We support implementation of the Report and Policy Recommendations of the Safe Virginia Initiative (2019), including raising the minimum age required to purchase a firearm to 21, requiring universal background checks, and closing known loopholes in the background check process.

H. Public Service Corporations

1. We oppose any legislative action that would further expand the ability of telecommunications companies or other entities to install new above-ground poles or other support structures in City rights-of-way, on terms or conditions mandated by state law.
2. We support doubling the scope of Dominion Virginia Power’s Pilot Program for Undergrounding Utility lines-and the utility entering into cost share agreements with local governments for undergrounding lines or “open ditch” policies allowing the burial of power lines either within or adjacent to a public Right of Way (ROW). Dominion also should be allowed to impose a surcharge on affected customers, if undergrounding is requested by a locality, to coincide with local projects removing and replacing natural gas, water, and sewer lines within a public ROW.

I. Procurement

1. We oppose legislative action that would restrict our ability to make local procurement decisions that are best for the citizens we serve. Any erosion of local authority to implement the policies of the Virginia Public Procurement Act, through means tailored at the local level to assure acquisition of the best goods and services at the most competitive rates, is contrary to fiscal responsibility objectives.
2. We support legislation that would authorize use of preferences by public bodies in awarding contracts to persons, firms, or corporations having principal places of business in the locality in which the procuring public body is located (“local preference”).
3. We support allowing localities the ability to procure goods and service by competitive negotiation (instead of using the lowest-responsible-bid process), in situations where job creation and tax base expansion would be part of a “best value” analysis of competitive proposals.
4. We believe the state should review the SWAM certification program, to ensure greater participation by businesses within each locality, and to make it easier for localities to hire local, small, women-owned and minority-owned businesses within local procurement processes.

J. Budget, Revenues and Taxation

We believe the process for evaluating local fiscal impacts of proposed legislation should be improved. Actions that would impose additional administrative burdens on local governments without sufficient financial resources or administrative flexibility will jeopardize the quality of services delivered at the local level and will ultimately jeopardize the potential success of state programs and initiatives.

- 1. We oppose any shift of the cost(s) of state programs to localities.**
- 2. We oppose any legislative or budgetary action that would remove or reduce any existing sources of state and local funding (e.g., HB599 funding for law enforcement; diversion of fines, fees and forfeitures relating to violations of local ordinances; etc.).**
- 3. Medicaid reimbursement rates – particularly for mental health services – must be significantly increased.**
- 4. We support the return of Medicaid to the Single Payer state-run system. The current privatization model has failed our citizens by denying services and delaying payments to the point that providers can not afford to offer services to Medicaid patients anymore.**
- 5. We support the continued expansion of Peer Support Services to be used in mental health recovery.**
6. We oppose state cuts to education funding.
7. We support expanded funding for programs such as tuition remission at community colleges, and childcare and transportation assistance that support workers seeking to upgrade their skills or change careers due to layoffs or other job losses.
8. The state should direct a study of the effectiveness of state income tax and fee structures in terms of progressivity and capacity to meet growing public needs. The study should include the effectiveness of local real estate taxation and give consideration to enabling legislation for localities to enact more progressive local real estate taxes.
9. The state also should expand funding to support programs (such as tuition remission at community colleges, and childcare and transportation assistance) that support workers seeking to upgrade their skills or change careers due to layoffs or other job losses.
10. We oppose any state legislation that would single out any internet-based businesses and services for special treatment for purposes of local taxation, licensing and regulation. We request our legislators to protect our local ability to regulate businesses on a level playing field, whether they are traditional, electronic, internet-based, virtual, or otherwise. Creating a level playing field for competition among businesses offering goods and services is the best way to ensure safety, reliability, and fair access to goods and services for consumers. The state should not carve out exceptions to business licensing, or local taxes, for special interest groups; in doing so, state legislators would harm traditional local businesses and deprive local governments of stable and reliable sources of revenue.
11. Please support legislation to amend Virginia Code §15.2-1414.6 to remove the limitation on annual salaries for city councils. City councils in Virginia should be permitted to establish the annual salaries for

councilors at the local level; each locality's needs are unique and maximum compensation should be a local decision, based on the will of the electorate and the financial resources of a locality.

12. We support legislation to abolish the grocery tax, but only if such legislation provides a manner to offset any revenue lost with a more progressive/equitable taxation scheme, which more properly places the taxation burden on those who can afford to pay.
13. We support sufficient and sustained state funding and technical assistance for community services boards and behavioral health authorities to implement STEP-VA requirements and to support the planning and implementation of Marcus Alert protocols. This funding should not come at the expense of other community-based service initiatives and requirements; nor should the burden of funding these state initiatives be shifted to local governments.
14. Federal ARPA funds and robust state revenues offer an opportunity for the state to make new investments in the community and in the state hospitals.
15. Investments must go to both build the network of community-based services and assist state hospitals with their vital mission. This cannot be a zero-sum funding situation where one part of the system benefits at the expense of the other part of the system.
16. We request that the Code of Virginia be amended to require that jail per diem rates for all offenders held in a local or regional jail, including those awaiting sentencing or serving sentences in those facilities (tier I) and offenders required under the Code of Virginia to be moved to the Department of Corrections (tier II) be regularly adjusted for inflation in line with the Consumer Price Index so that per diem payments keep pace with actual costs, such as is done with other areas of the budget (e.g., Standards of Quality).
17. Local and regional jails should have a choice as to whether they will keep state-responsible inmates (tier II) in their facility after the 60-days from the date of the final sentencing order. Willing facilities may contract with the state to keep such inmates past the 60-day period; those jails unable to keep state-responsible inmates due to space or resource limitations should not be compelled to keep state inmates past the 60-day period.
18. We support statewide authority for local governments to establish an excise tax on the sale of vaping products. We also support the statewide authority for local governments to establish an excise tax on the sale of cannabis products.
19. If the state is going to regulate businesses that use a business model that emphasizes the use of the internet to either provide retail, facilities, or ride-sharing services, the state must acknowledge local government interests and must include local governments in the decision-making. State and local policies should encourage a level playing field for competing services in the market place; should not provide a tax preference or tax policy advantage for one group at the expense of another group in the competitive field; should seek to preserve state and local revenue; ensure safety, reliability, and access for consumers, providers, and the public; and should protect local government's ability to regulate businesses whether they are traditional, electronic, internet-based, virtual, or otherwise. We also believe that the state should not prohibit the sharing of financial information between the Commonwealth and appropriate local authorities that is normally treated as a part of the public domain. We further believe that the state should not prohibit a locality from exercising its authority to enter into voluntary collection agreements provided that such agreements include provisions to protect the public's interest.

K. Prosperity, Health, and Well-Being

1. **We support budgetary and legislative initiatives that will increase access to health care for all Virginia residents and that will reduce the cost of health care—including reduction of insurance premiums.**
2. We encourage the Commonwealth to raise the minimum wage to \$15 per hour more quickly than the current law, which provides that the minimum wage will increase to \$15 per hour in 2026. As part of raising the minimum wage, we encourage the State to provide funding for childcare assistance if federal income-eligibility thresholds are exceeded due to a household member making \$15 per hour.
3. The State should provide financial incentives for the establishment of grocery stores in “food desert” areas.

L. Diversity, Equity, and Civil Rights

1. **We support legislation to abolish the designation of “single-family” zoning areas throughout the Commonwealth. Such zoning inhibits the efficient use of urban land, encourages urban sprawl, and further exacerbates housing inequality. Policies encouraging “inclusionary zoning” would allow for more affordable housing and create more diverse communities.**
2. We support legislative action that creates a right to counsel for tenants in eviction proceedings, by ensuring that all tenants who receive public assistance, or have incomes at or below 200% of the federal poverty level, have access to public attorneys at no cost. Such legislation would create a statewide right to counsel or would authorize localities to fund programs intended to provide counsel to low-income litigants in eviction matters. Adopting such legislation would reduce homelessness, protect tenants’ rights, and fight to combat systemic inequalities in housing.
3. We encourage the General Assembly to adopt changes in housing law that will promote and advance tenants’ rights, including requiring just cause for evictions, and policies that can make housing more affordable for low and middle-income residents.