

HOUSE JOINT RESOLUTION NO. 135

Continuing the Joint Subcommittee to Study Development and Land Use Tools in Virginia's Localities. Report.

Agreed to by the House of Delegates, January 29, 2010

Agreed to by the Senate, March 2, 2010

WHEREAS, House Joint Resolution No. 178 (2008) and Senate Joint Resolution No. 70 (2008) established the Joint Subcommittee to Study Development and Land Use Tools in Virginia's Localities; and

WHEREAS, since passage of HJR No. 178 (2008) and SJR No. 70 (2008), the joint subcommittee held a total of seven meetings at which it heard testimony from expert urban planners, state and local government officials, and representatives of associations interested in the mission of the joint subcommittee; and

WHEREAS, the joint subcommittee, in taking a comprehensive look at the various land use planning tools and infrastructure financing options, both new and old, as suggested by the HJR No. 178 (2008) and SJR No. 70 (2008), examined Virginia law governing impact fees, proffers, urban development areas, and community development authorities; and

WHEREAS, the joint subcommittee, in furtherance of the mandates in HJR No. 178 (2008) and SJR No. 70 (2008) to "make any recommendations deemed appropriate," established work groups charged with recommending legislation to the joint subcommittee; and

WHEREAS, the 2009 Session of the General Assembly passed House Bill No. 2322 (2009), which provided that cities and towns shall have until July 1, 2012, to amend their comprehensive plans in accordance with the provisions of § 15.2-2223.1 of the Code of Virginia, and thus implicated the mandates in HJR No. 178 (2008) and SJR No. 70 (2008) that the joint subcommittee "monitor the transition of most new development to Urban Development Areas"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Subcommittee to Study Development and Land Use Tools in Virginia's Localities be continued. The joint subcommittee shall have a total membership of 10 members that shall consist of five members of the House of Delegates appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate appointed by the Senate Committee on Rules; and the Secretary of Commerce and Trade and the Secretary of Transportation or their designees to serve ex officio with voting privileges. The current members appointed by the Speaker of the House of Delegates shall be subject to reappointment. The current members appointed by the Senate Committee on Rules shall continue to serve until replaced. Vacancies shall be filled by the original appointing authority. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall continue to examine and monitor the transition to channeling development into Urban Development Areas and determine if additional legislation is needed to help localities as they transition to Urban Development Areas. The joint subcommittee shall also continue to make a comprehensive evaluation of all existing land use planning tools and infrastructure financing options and make any recommendations deemed appropriate.

Administrative staff support shall continue to be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall continue to be provided by the Division of Legislative Services. Technical assistance shall continue to be provided by the Department of Transportation and the Department of Housing and Community Development. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2010 interim, and the direct costs of this study shall not exceed \$8,000 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings by November 30, 2010, and the chairman shall

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submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2011 Regular Session of the General Assembly. The executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2010 interim.