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## SENATE BILL NO. 1342

Offered January 19, 2015

A *BILL to amend the Code of Virginia by adding a section numbered 36-139.01, relating to grants for purchase of new residences or the costs of real property improvements designed to improve accessibility or universal visitability.*

Patrons—Puller and Barker; Delegate: Peace

Referred to Committee on General Laws and Technology

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 36-139.01 as follows:**

**§ 36-139.01. Residential Improved Accessibility and Universal Visitability Grant Fund and Program.**

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Residential Improved Accessibility and Universal Visitability Grant Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. The Fund shall consist of such moneys as may be appropriated to it by the General Assembly. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of providing grants as described under this section. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director.

B. 1. In addition to all other duties and responsibilities, the Director shall administer the Residential Improved Accessibility and Universal Visitability Grant Program (the Program) to provide grants from the Fund to persons purchasing a new residence or expending moneys to retrofit or renovate an existing residence designed to improve accessibility or to provide universal visitability.

2. The Director may approve up to \$1 million in grants each fiscal year beginning with fiscal year 2016-2017 for a portion of the total purchase price paid by a person for a new residential structure or unit in the Commonwealth or of the total amount expended by the person to retrofit or renovate an existing residential structure or unit in the Commonwealth, provided that the new structure or unit or the retrofitting or renovation of the existing structure or unit is designed to improve accessibility or to provide universal visitability and meets the eligibility requirements for the grant program established by guidelines developed by the Department. The grant shall not exceed (i) \$5,000 for the purchase of each new residence or the construction of each new residential structure or unit or (ii) 50 percent of the total amount expended, but not to exceed \$5,000, for the retrofitting or renovation of each existing residence or residential structure or unit. In each year, the Department shall allocate \$500,000 in grants for the purchase or construction of new residences and \$500,000 in grants for the retrofitting or renovation of existing residences or residential structures or units. If the amount of grants approved in a fiscal year for the purchase or construction of new residences is less than \$500,000, the Director shall allocate the remaining balance of grants for the retrofitting or renovation of existing residences or residential structures or units. If the amount of grants approved in a fiscal year for the retrofitting or renovation of existing residences or residential structures or units is less than \$500,000, the Director shall allocate the remaining balance of such grants for the purchase or construction of new residences.

3. Grants shall not be paid under this section:

a. To a licensed contractor, as defined in § 54.1-1100, unless the contractor uses the residence or structure as his personal residence;

b. For the purchase, construction, retrofitting, or renovation of residential rental property;

c. For transactions or dealings between affiliated entities;

d. More than once to the same person or to different persons relating to the same retrofitting, renovation, or construction project; or

e. In any case in which the Department issued a tax credit under § 58.1-339.7 relating to the same retrofitting, renovation, or construction project.

C. Persons seeking a grant shall file an application with the Department and shall provide evidence, satisfactory to the Director, of the amount expended or paid by the person with regard to the purchase or construction of a new residential structure or unit or the retrofitting or renovation of an existing residential structure or unit designed to improve accessibility or provide universal visitability.

D. The Director shall certify to (i) the Comptroller and (ii) each applicant the amount of the grant to which such applicant is entitled under the Program. Payment of the grant shall be made by check

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59 *issued by the State Treasurer on warrant of the Comptroller within 60 days of such certification. The*  
60 *Comptroller shall not draw any warrants to issue checks for the Program without a specific legislative*  
61 *appropriation as specified in conditions and restrictions on expenditures in the general appropriation*  
62 *act.*  
63 *E. The Director shall develop guidelines implementing the provisions of this section. Such guidelines*  
64 *may subject applicants to income limitations. Such guidelines shall be exempt from the provisions of the*  
65 *Administrative Process Act (§ 2.2-4000 et seq.).*