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HOUSE BILL NO. 2046

Offered January 11, 2023

Prefiled January 10, 2023

A BILL to amend and reenact § 36-139 of the Code of Virginia, relating to the Department of Housing and Community Development; powers and duties of Director; comprehensive statewide affordable housing needs assessment and plan.

 Patron—Carr

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That § 36-139 of the Code of Virginia is amended and reenacted as follows:****§ 36-139. Powers and duties of Director.**

The Director of the Department of Housing and Community Development shall have the following responsibilities:

1. Collecting from the governmental subdivisions of the Commonwealth information relevant to their planning and development activities, boundary changes, changes of forms and status of government, intergovernmental agreements and arrangements, and such other information as he may deem necessary.

2. Making information available to communities, planning district commissions, service districts and governmental subdivisions of the Commonwealth.

3. Providing professional and technical assistance to, and cooperating with, any planning agency, planning district commission, service district, and governmental subdivision engaged in the preparation of development plans and programs, service district plans, or consolidation agreements.

4. Assisting the Governor in the providing of such state financial aid as may be appropriated by the General Assembly in accordance with § 15.2-4216.

5. Administering federal grant assistance programs, including funds from the Appalachian Regional Commission, the Economic Development Administration and other such federal agencies, directed at promoting the development of the Commonwealth's communities and regions.

6. Developing state community development policies, goals, plans and programs for the consideration and adoption of the Board with the ultimate authority for adoption to rest with the Governor and the General Assembly.

7. Developing a Consolidated Plan to guide the development and implementation of housing programs and community development in the Commonwealth for the purpose of meeting the housing and community development needs of the Commonwealth and, in particular, those of low-income and moderate-income persons, families and communities.

8. Determining present and future housing requirements of the Commonwealth on an annual basis and revising the Consolidated Plan, as necessary to coordinate the elements of housing production to ensure the availability of housing where and when needed.

9. Assuming administrative coordination of the various state housing programs and cooperating with the various state agencies in their programs as they relate to housing.

10. Establishing public information and educational programs relating to housing; devising and administering programs to inform all citizens about housing and housing-related programs that are available on all levels of government; designing and administering educational programs to prepare families for home ownership and counseling them during their first years as homeowners; and promoting educational programs to assist sponsors in the development of low and moderate income housing as well as programs to lessen the problems of rental housing management.

11. Administering the provisions of the Industrialized Building Safety Law (§ 36-70 et seq.).

12. Administering the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.).

13. Establishing and operating a Building Code Academy for the training of persons in the content, application, and intent of specified subject areas of the building and fire prevention regulations promulgated by the Board of Housing and Community Development.

14. Administering, in conjunction with the federal government, and promulgating any necessary regulations regarding energy standards for existing buildings as may be required pursuant to federal law.

15. Identifying and disseminating information to local governments about the availability and utilization of federal and state resources.

16. Administering, with the cooperation of the Department of Health, state assistance programs for public water supply systems.

17. Advising the Board on matters relating to policies and programs of the Virginia Housing Trust

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59 Fund.

60 18. Designing and establishing program guidelines to meet the purposes of the Virginia Housing
61 Trust Fund and to carry out the policies and procedures established by the Board.

62 19. Preparing agreements and documents for loans and grants to be made from the Virginia Housing
63 Trust Fund; soliciting, receiving, reviewing and selecting the applications for which loans and grants are
64 to be made from such fund; directing the Virginia Housing Development Authority and the Department
65 as to the closing and disbursing of such loans and grants and as to the servicing and collection of such
66 loans; directing the Department as to the regulation and monitoring of the ownership, occupancy and
67 operation of the housing developments and residential housing financed or assisted by such loans and
68 grants; and providing direction and guidance to the Virginia Housing Development Authority as to the
69 investment of moneys in such fund.

70 20. Establishing and administering program guidelines for a statewide homeless intervention program.

71 21. Administering 15 percent of the Low Income Home Energy Assistance Program (LIHEAP) Block
72 Grant and any contingency funds awarded and carry over funds, furnishing home weatherization and
73 associated services to low-income households within the Commonwealth in accordance with applicable
74 federal law and regulations.

75 22. Developing a strategy concerning the expansion of affordable, accessible housing for older
76 Virginians and Virginians with disabilities, including supportive services.

77 23. Serving as the Executive Director of the Commission on Local Government as prescribed in
78 § 15.2-2901 and perform all other duties of that position as prescribed by law.

79 24. Developing a strategy, in consultation with the Virginia Housing Development Authority, for the
80 creation and implementation of housing programs and community development for the purpose of
81 meeting the housing needs of persons who have been released from federal, state, and local correctional
82 facilities into communities.

83 25. Administering the Private Activity Bonds program in Chapter 50 (§ 15.2-5000 et seq.) of Title
84 15.2 jointly with the Virginia Small Business Financing Authority and the Virginia Housing
85 Development Authority.

86 26. Developing a statement of tenant rights and responsibilities explaining in plain language the
87 rights and responsibilities of tenants under the Virginia Residential Landlord and Tenant Act
88 (§ 55.1-1200 et seq.) and maintaining such statement on the Department's website. The Director shall
89 also develop and maintain on the Department's website a printable form to be signed by the parties to a
90 written rental agreement acknowledging that the tenant has received from the landlord the statement of
91 tenant rights and responsibilities as required by § 55.1-1204. The Director may at any time amend the
92 statement of tenant rights and responsibilities and such printable form as the Director deems necessary
93 and appropriate. The statement of tenant rights and responsibilities shall contain a plain language
94 explanation of the rights and responsibilities of tenants in at least 14-point type. The statement shall
95 provide the telephone number and website address for the statewide legal aid organization and direct
96 tenants with questions about their rights and responsibilities to contact such organization.

97 27. Developing a statement of tenant rights and responsibilities explaining in plain language the
98 rights and responsibilities of tenants under the Virginia Manufactured Home Lot Rental Act (§ 55.1-1300
99 et seq.) and maintaining such statement on the Department's website. The Director shall also develop
100 and maintain on the Department's website a printable form to be signed by the parties to a written rental
101 agreement acknowledging that the tenant has received from the landlord the statement of tenant rights
102 and responsibilities as required by § 55.1-1303. The Director may at any time amend the statement of
103 tenant rights and responsibilities and such printable form as the Director deems necessary and
104 appropriate. The statement of tenant rights and responsibilities shall contain a plain language explanation
105 of the rights and responsibilities in at least 14-point type. The statement shall provide the telephone
106 number and website address for the statewide legal aid organization and direct tenants with questions
107 about their rights and responsibilities to contact such organization.

108 28. Developing a sample termination notice that includes language referencing acceptance of rent
109 with reservation by a landlord following a breach of a lease by a tenant in accordance with § 55.1-1250.
110 The sample termination notice shall be in at least 14-point type and shall be maintained on the
111 Department's website.

112 29. *Conducting a comprehensive statewide affordable housing needs assessment every five years, to*
113 *determine the current and future housing needs and gaps in the Commonwealth's ability to meet those*
114 *needs. The Department shall report its first affordable housing needs assessment to the Chairs of the*
115 *Senate Committee on General Laws and Technology and the House Committee on General Laws by*
116 *November 30, 2024. Each affordable housing needs assessment shall include (i) current production and*
117 *market trends, a review of housing cost burden and instability, supply and demand for affordable rental*
118 *and affordable for-sale housing, and demographics of households identified as needing more affordable*
119 *housing organized by level of need, (ii) state housing investments, impact of such trends and*
120 *investments, opportunities available in the Commonwealth to create or maintain affordable housing*

including expected costs of such opportunities, and (iii) regional or local profiles that focus on specific housing needs of particular regions or localities.

30. Developing a biennial statewide affordable housing plan that addresses any issues identified in the housing needs assessment and shall include (i) housing priorities derived from the assessment; (ii) three to five clearly defined goals and accompanying objectives and strategies; and (iii) a detailed explanation of the impacts of each housing goal on other sectors of the Commonwealth, including economic development, transportation, and public health sectors. The Department shall report the plan to the Chairs of the Senate Committee on General Laws and Technology and House Committee on General Laws by November 30 in each odd numbered year. The Department shall report its first biennial report by November 30, 2025.

31. Collecting and publishing certain zoning information from Virginia localities at least every five years, which shall, at a minimum, include (i) the proportion of developable land zoned for single-family residential use, multifamily residential use, and nonresidential uses; (ii) whether existing by-right development can meet unmet housing needs; (iii) a description of any affordable dwelling unit ordinances pursuant to § 15.2-2304, 15.2-2305, or 15.2-2305.1 implemented in the locality; (iv) when a substantive change to the local zoning policy was last made; (v) the typical amount of time to secure preliminary plat or plan approval for (a) a single-family development consistent with zoning ordinances, (b) single-family developments requiring a conditional use permit or variance, (c) single-family developments requiring a zoning amendment, (d) a multifamily development consistent with zoning ordinances, (e) multifamily developments requiring a conditional use permit or variance, and (f) multifamily developments requiring a zoning amendment; and (vi) the most common reasons for which developers request zoning exceptions for single-family and multifamily developments. This information may be collected from localities through periodic surveys; localities shall respond to all such inquiries of the Department.

32. Carrying out such other duties as may be necessary and convenient to the exercise of powers granted to the Department.