

Commission on Local Government

Estimate of Local Fiscal Impact

2017 General Assembly Session

Bill: SB 802

Patron: Stanley

Date: 1/11/2017

In accordance with the provisions of §30-19.03 of the Code of Virginia, the staff of the Commission on Local Government offers the following analysis of the above-referenced legislation:

Bill Summary:

Special use permit; camping in tent or recreational vehicle. Prohibits any locality from barring or requiring a special use permit for camping by a landowner and his family or nonpaying guests in a tent or recreational vehicle on the landowner's property for a total of no more than two months per year.

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**Executive Summary:**

SB 802 prohibits localities from barring or requiring a special use permit for camping for less than two months in a year by a landowner and his family or nonpaying guests in a tent or recreational vehicle on the landowner's property.

Localities have evaluated a negative fiscal impact that ranges from \$0.01 - \$52,250.00. It should be noted that only one respondent indicated a significant fiscal impact which was based upon the increased zoning enforcement/complaint staff work that could be involved. Localities noted that the provisions of the bill would potentially conflict with some of the local ordinance provisions as the use of an RV, tent, and recreational vehicle is prohibited on landowners property through local zoning code. The bill would require localities to devote some staff time to evaluate whether their zoning ordinance needs to change to comply the proposed bill. Some localities also noted that the bill would potentially create exemptions for transient guests as the proposed bill provides no cap on the number of "nonpaying guests" and no requirement for basic facilities for those guests and would create significant enforcement challenges.

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**Local Analysis:**

**Locality:** Chesterfield County

**Estimated Fiscal Impact:** \$0.01

Chesterfield County does not permit RV use in residential areas. There is no fiscal impact to Chesterfield.

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Locality: City of Danville

Estimated Fiscal Impact: \$0.01

Currently in Danville, the use of a tent or recreational vehicle on landowner's property for an extended period is currently prohibited through local Zoning Code, therefore there would be no loss or gain in revenue. However, this bill does pose serious questions. Without requiring a special use permit or special exception, how can a 2 month limit be properly enforced? How could this impact residential areas? There is also the potential for de facto campgrounds/RV yards popping up. The proposal stipulates "nonpaying" guests, but how can that be properly enforced? Could "donations" be solicited?

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**Locality:** City of Harrisonburg

**Estimated Fiscal Impact:** \$0.01

There would be no direct fiscal impact on the City if this legislation is passed. If it were approved, however, we will have to devote some staff time to evaluate whether our zoning text needs to change in some way.

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Locality: City of Lynchburg

Estimated Fiscal Impact: \$1.00

The City of Lynchburg expects there would be negligible revenue impact.

- Last year, Lynchburg concluded a 4-year zoning ordinance revision where the number one concern from residents was stability in residential neighborhoods. Based on feedback we received during those meetings, City Code prohibits the storage of trailers in the front yard as well as living within them, regardless of where they are located, because they would be considered a mobile home. Mobile homes require a Special Use Permit (i.e. Special Use Permit).
- The bill has the potential to create exemptions for transient guests. The City's zoning ordinance limits unrelated individuals to 3, except in the case of campgrounds which provides for the facilities that need to be provided to accommodate guests. The current bill provides no cap on the number of "nonpaying guests" and no requirement for basic facilities for those guests.
- The bill would create significant enforcement challenges in an urban setting. By exempting local land use requirements, how does staff prove when the "camping" started? The bill does not designate a location (can someone camp or park an RV in their front yard for two months), whether the term is consecutive (what if someone wants to "camp" 8 days one month, 2 days the following month, etc.), a minimum lot size and/or how far away they need to be from their property line (a campfire at or near their neighbors property line). Trailer/recreational vehicle storage comprises 11% of the City's zoning violation complaints. This ranks third on our list.

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**Locality:** City of Manassas

**Estimated Fiscal Impact:** \$0.01

We do not require a special use permit for camping so there is no fiscal impact to the City of Manassas.

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Locality: City of Norfolk

Estimated Fiscal Impact: \$0.01

The City of Norfolk currently prohibits individuals from camping in a tent or a recreation vehicle (RV) on their property. There is no estimated fiscal impact to Norfolk, as there are no special permit fees currently collected for this activity. Should this legislation pass, Norfolk's prohibition of camping on an individual's property would become illegal.

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**Locality:** City of Roanoke

**Estimated Fiscal Impact:** \$1.00

No impact.

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Locality: City of Winchester

Estimated Fiscal Impact: \$10.00

Generally this does have a different impact on cities and towns versus a locality with a more rural setting (counties). However, the Planning Director is correct below that there are impacts on Winchester. This bill will potentially conflict with some of our current ordinance provisions pertaining to a prohibition on someone “camping” on a lot on either a permanent or transient basis. We have the following two sections that could be affected in the Zoning Ordinance:

18-5-1 No major recreational vehicles shall be used for living, sleeping, or other occupancy when parked or stored on a residential lot, or in any other location not approved for such use. (5/13/08, Case TA 07-06, Ord. No. 2008-24)

18-5-3 Recreational equipment consisting of tents, shelters, lean-to's, or similar accessory structures shall not be used for permanent or transient occupancy on any residential property, or in any other location not approved for such use.

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**Locality:** Roanoke Valley-Alleghany Regional Commission

**Estimated Fiscal Impact:** \$52,250.00

Based on the language in the proposed bill, it is estimated that enforcement and complaints regarding camping would increase an overall 5% region-wide. This, in turn, would account for 5 percent of a local building/zoning inspector's time. At an average annual salary of \$35,000, this would equate to \$1,750 per locality. Additionally, it is estimated that an average of \$3,000 per locality in planning/community development staff time would be expended locally in the administration/research/processing needed to address any such complaints arising from violation.

There are 11 localities in the Roanoke Valley-Alleghany Region, and based upon this analysis, the cost estimated is determined to be \$52,250.

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Locality: Spotsylvania County

Estimated Fiscal Impact: \$0.01

No financial impact.

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**Locality:** Town of Boones Mill

**Estimated Fiscal Impact:** \$1.00

There would be no fiscal impact upon the Town of Boones Mill.

Our zoning system would not be affected by this bill, and there would be no direct impact upon our small-town revenues.

SB 802 allowing for living in tents or RVs where otherwise allowable in houses. Such living might be a vacation option, or it might occur during construction of a home. It might also be an alternative to homelessness for people who lose homes but own vacant lots.

One issue would be assessment and collection of personal property tax on RVs which spend months in use at multiple locations. Communities should already know how to handle this.

Some localities will always resist restrictions upon local land use regulation authority. But this bill does not have a revenue impact for a small town like Boones Mill.

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Locality: Wise County

Estimated Fiscal Impact: \$1.00

This would not have a fiscal impact to Wise County as we do not have a special use permit

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**Professional Organization Analysis:**

**Organization:** Virginia League of Social Services Executives

This does not impact our local departments.

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