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SENATE JOINT RESOLUTION NO. 13

Offered January 10, 2018

Prefiled December 28, 2017

Establishing a joint committee of the Senate Committee on Local Government and the House Committee on Counties, Cities and Towns to study the 2016 conditional rezoning proffer reform bill. Report.

 Patron—Black

 Referred to Committee on Rules

WHEREAS, Senate Bill 549 was approved March 8, 2016, creating § 15.2-2303.4 of the Code of Virginia, commonly referred to as the proffer reform bill; and

WHEREAS, such amendment has profoundly impacted the development of new housing in certain localities in the Commonwealth; and

WHEREAS, it is likely that not all impacts of the proffer reform bill were anticipated, and that unintended consequences may be hurting Virginians or Virginia businesses, economic development, or local governments in unforeseen ways; and

WHEREAS, it is in the interest of the General Assembly to make amendments deemed appropriate and corrections deemed necessary to balance the interests of all Virginians, and to not inhibit development as a result of uncertainty in the negotiation process; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint committee of the Senate Committee on Local Government and the House Committee on Counties, Cities and Towns be established to study the 2016 conditional rezoning proffer reform bill. The study shall analyze the amendments made in 2016 to § 15.2-2303.4 of the Code of Virginia to determine their effect on the housing development industry, negotiations between developers and localities, and other relevant effects of the change of law. The joint committee shall have a total membership of seven members, consisting of three members of the Senate Committee on Local Government to be appointed by the Senate Committee on Rules upon the recommendation of the Chairman of the Senate Committee on Local Government and four members of the House Committee on Counties, Cities and Towns to be appointed by the Speaker of the House of Delegates upon the recommendation of the Chairman of the House Committee on Counties, Cities and Towns. The joint committee shall elect a chairman and vice-chairman from among its members.

In conducting its study, the joint committee shall gather information and develop recommendations on the impact that the 2016 proffer reform bill has had on development, including (i) data regarding the growth, decline, or stagnation in the number, size, scale, or monetary value of development projects in the Commonwealth; (ii) new or revised policies, guidance, and practices adopted by localities regarding negotiations with developers; (iii) litigation, decisions of local boards of appeals, and other justiciable matters that have arisen from, or been directed at, the proffer reform bill; and (iv) any other result, consequence, or impact the proffer reform bill has had on development in the Commonwealth. The joint committee shall invite developers, localities, and other stakeholders to participate in the study.

Administrative staff support shall be provided by the Office of the Clerk of the Senate. Legal, research, policy analysis, and other services as requested by the joint committee shall be provided by the Division of Legislative Services. All agencies of the Commonwealth shall provide assistance to the joint committee for this study, upon request.

The joint committee shall be limited to four meetings for the 2018 interim. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint committee 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 committee shall be adopted if a majority of the Senate members or a majority of the House members of the joint committee (a) vote against the recommendation and (b) vote for the recommendation to fail notwithstanding the majority vote of the joint committee.

The joint committee shall complete its meetings by November 30, 2018, and the chairman shall submit an executive summary of its findings and recommendations no later than the first day of the 2019 Regular Session of the General Assembly to the Division of Legislative Automated Systems. The executive summary shall state whether the joint committee 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 the 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.

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59 Implementation of this resolution is subject to subsequent approval and certification by the Joint
60 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or
61 delay the period for the conduct of the study, or authorize additional meetings during the 2018 interim.