

VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

CHAPTER 754

An Act to amend the Code of Virginia by adding in Article 3 of Chapter 32 of Title 58.1 a section numbered 58.1-3228.1, relating to partial exemption from real property taxes for flood mitigation efforts.

[S 1588]

Approved March 21, 2019

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 3 of Chapter 32 of Title 58.1 a section numbered 58.1-3228.1 as follows:

§ 58.1-3228.1. Partial exemption from real property taxes for flood mitigation efforts.

A. As used in this section, unless the context requires a different meaning:

"Impervious area" means any man-made area that significantly impedes or prevents natural infiltration of water into the soil, including roofs, buildings, streets, driveways, parking areas, and any concrete, asphalt, or compacted gravel surface.

"Living shoreline" has the same meaning as provided in § 28.2-104.1.

"Qualifying flood improvements" means flooding abatement, mitigation, or resiliency improvements that do not increase the size of any impervious area and are made either to qualifying structures or to land. For improvements made to land, the improvements must be made primarily for the benefit of one or more qualifying structures.

"Qualifying structure" means a structure that was completed prior to July 1, 2018, or a structure that was completed more than 10 years prior to the completion of the qualifying flood improvements.

B. The governing body of any county, city, or town may, by ordinance, provide a partial tax exemption for improved real estate that is subject to recurrent flooding and upon which qualifying flood improvements have been made. No exemption shall be granted for any improvements made prior to July 1, 2018.

C. The ordinance may also (i) establish flood protection standards that qualifying flood improvements must meet in order to be eligible for the exemption; (ii) determine the amount of the exemption; (iii) set income or property value limitations regarding eligibility for the exemption; (iv) provide that the exemption shall last for only a specified number of years; (v) determine, based upon flood risk, zones or districts within the locality in which the exemption shall be available, such as those established by the Virginia Flood Risk Information System; and (vi) establish preferred actions that qualify for the exemption, including the use of living shorelines as the preferred alternative for stabilizing tidal shorelines in the Commonwealth pursuant to § 28.2-104.1.