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## SENATE BILL NO. 839

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws  
on February 16, 2023)

(Patrons Prior to Substitute—Senators Locke, McPike [SB 1049], and Ebbin [SB 1190])

*A BILL to amend and reenact § 36-139 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 36-139.9, relating to Department of Housing and Community Development; Virginia Housing Development Authority; statewide housing needs assessment and plan; annual report on spending.*

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

**1. That § 36-139 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 36-139.9 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 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 housing needs assessment at least every five years, which*  
113 *shall include (i) a review of housing cost burden and instability, supply and demand for affordable*  
114 *rental housing, and supply and demand for affordable for-sale housing and (ii) regional or local*  
115 *profiles that focus on specific housing needs of particular regions or localities.*

116 30. *Developing a statewide housing plan that reflects the findings of the statewide housing needs*  
117 *assessment conducted pursuant to subdivision 29, which plan shall include measurable goals and be*  
118 *updated at least every five years to reflect changes in the Commonwealth's housing goals, and providing*  
119 *an annual report to the General Assembly on progress toward meeting the goals identified in such plan*  
120 *and the availability of housing that is accessible to people with disabilities.*

121 31. *Collecting reports submitted by localities pursuant to § 36-139.9 in any manner prescribed by the*

Department, including any forms developed by the Department to collect the information required to be reported by the localities pursuant to such section and publishing such reports on its website.

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

**§ 36-139.9. Local housing policy; report to Department.**

A. Any locality with a population greater than 3,500 shall submit annually to the Department a report summarizing the adoption or amendment of any local policies, ordinances, or processes affecting the development and construction of housing during the preceding fiscal year. Such report shall contain a description of the following items and, if available, a reference to where additional information can be found on the locality's website:

1. Adoption or amendment of a local proffer policy enacted by the locality pursuant to § 15.2-2298, 15.2-2303, or 15.2-2303.1;

2. Adoption or amendment of any provisions of the zoning ordinance affecting the development, redevelopment, or construction of single-family or multifamily housing;

3. Adoption or amendment of any provisions of the subdivision ordinance affecting the development, redevelopment, or construction of single-family or multifamily housing;

4. Revisions to the comprehensive plan affecting the location, density, or character of single-family or multifamily housing;

5. Adoption or amendment of any ordinances, incentives, or policies designed to encourage the development, redevelopment, or construction of housing, including accessory dwelling unit ordinances, affordable dwelling unit ordinances pursuant to § 15.2-2304, 15.2-2305, or 15.2-2305.1, fee waivers, density bonuses, waiver or reduction of local parking requirements, new construction or rehabilitation tax incentives, and development standard modifications; and

6. Changes to any local fees associated with the reviewing, permitting, and construction of residential development activities.

B. Reports submitted by localities pursuant to this section shall be submitted to the Department annually by September 1 for the preceding fiscal year. Reports shall be submitted in accordance with any forms and requirements developed by the Department, in consultation with stakeholders.