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SENATE BILL NO. 839

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology
on January 18, 2023)

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

A BILL to amend and reenact §§ 36-55.51 and 36-139 of the Code of Virginia, 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 §§ 36-55.51 and 36-139 of the Code of Virginia are amended and reenacted as follows:

§ 36-55.51. Reports.

A. HDA shall submit to the Governor within ~~ninety~~ 90 days after the end of its fiscal year a complete and detailed report setting forth:

(1) 1. Its operations and accomplishments;

(2) 2. Its receipts and expenditures during such fiscal year in accordance with the categories or classifications established by HDA for its operating and capital outlay purposes;

(3) 3. Its assets and liabilities at the end of its fiscal year, including a schedule of its mortgage loans and commitments and the status of reserve, special, or other funds; and

(4) 4. A schedule of its notes and bonds outstanding at the end of its fiscal year, together with a statement of the amounts redeemed and incurred during such fiscal year.

B. HDA shall submit to the Chairs of the Senate Committee on Finance and Appropriations and House Committee on Appropriations and the Virginia Housing Commission within 90 days after the end of its fiscal year a complete and detailed report setting forth:

1. HDA's annual contributions to the Resources Enabling Affordable Community Housing (REACH) program or to any future program that reinvests HDA's net earnings into affordable housing initiatives and the annual fund balance for such program;

2. The amount of such program's funds spent during the fiscal year by broad purpose;

3. The balance of such program's funds after the most recent fiscal year's expenditures, as well as the total amount of funds committed to be spent in future years; and

4. The outputs and outcomes associated with such program's expenditures, as measured through the program's performance measures.

C. In order to maintain liaison in development of housing policy, ~~the~~ HDA shall also have the duty of providing reports to the Director of the Department of Housing and Community Development on its policies, objectives, priorities, operations, and programs, both present and projected, so as to assist the Director in the formulation of his reports to the Governor and General Assembly regarding housing and community development policies, goals, plans, and programs.

§ 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.

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

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

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

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

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

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

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

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

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

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

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

86 19. Preparing agreements and documents for loans and grants to be made from the Virginia Housing
87 Trust Fund; soliciting, receiving, reviewing and selecting the applications for which loans and grants are
88 to be made from such fund; directing the Virginia Housing Development Authority and the Department
89 as to the closing and disbursing of such loans and grants and as to the servicing and collection of such
90 loans; directing the Department as to the regulation and monitoring of the ownership, occupancy and
91 operation of the housing developments and residential housing financed or assisted by such loans and
92 grants; and providing direction and guidance to the Virginia Housing Development Authority as to the
93 investment of moneys in such fund.

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

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

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

101 23. Serving as the Executive Director of the Commission on Local Government as prescribed in
102 § 15.2-2901 and perform all other duties of that position as prescribed by law.

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

107 25. Administering the Private Activity Bonds program in Chapter 50 (§ 15.2-5000 et seq.) of Title
108 15.2 jointly with the Virginia Small Business Financing Authority and the Virginia Housing
109 Development Authority.

110 26. Developing a statement of tenant rights and responsibilities explaining in plain language the
111 rights and responsibilities of tenants under the Virginia Residential Landlord and Tenant Act
112 (§ 55.1-1200 et seq.) and maintaining such statement on the Department's website. The Director shall
113 also develop and maintain on the Department's website a printable form to be signed by the parties to a
114 written rental agreement acknowledging that the tenant has received from the landlord the statement of
115 tenant rights and responsibilities as required by § 55.1-1204. The Director may at any time amend the
116 statement of tenant rights and responsibilities and such printable form as the Director deems necessary
117 and appropriate. The statement of tenant rights and responsibilities shall contain a plain language
118 explanation of the rights and responsibilities of tenants in at least 14-point type. The statement shall
119 provide the telephone number and website address for the statewide legal aid organization and direct
120 tenants with questions about their rights and responsibilities to contact such organization.

121 27. Developing a statement of tenant rights and responsibilities explaining in plain language the

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

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

29. *Conducting a comprehensive statewide housing needs assessment at least every five years, which shall include (i) a review of housing cost burden and instability, supply and demand for affordable rental housing, and supply and demand for affordable for-sale housing and (ii) regional or local profiles that focus on specific housing needs of particular regions or localities.*

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

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) the estimated proportion of unmet housing needs that can be met by existing by-right development; (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.