

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #11: LEGISLATIVE AGENDA

SUBJECT:

Develop a legislative agenda for the Hampton Roads Planning District Commission for Fiscal Year 2011-2012.

BACKGROUND:

In preparation for the 2012 Session of the Virginia General Assembly, the HRPDC staff recommends the HRPDC consider developing a legislative agenda. In recent years, the HRPDC has not developed a broad legislative agenda, but has developed statements of principles, resolutions and position letters on specific bills and topics that may be considered by either the Virginia General Assembly or the U.S. Congress.

The HRPDC staff has developed the attached statement of issues with input from the various advisory committees to focus on issues and programs being carried out by the HRPDC in cooperation with the region's localities. However, this draft statement of issues is not inclusive of all potential state and federal legislative matters that are of interest to the region's localities. It reflects the legislative statements and agendas of the Virginia Municipal League, Virginia Association of Counties, American Planning Association – Virginia Chapter and the member localities.

RECOMMENDED ACTION:

Approve the attached HRPDC Legislative Agenda for FY 2011-2012.

Attachment 11

HAMPTON ROADS PLANNING DISTRICT COMMISSION FISCAL YEAR 2012 LEGISLATIVE AGENDA

In preparation for the 2012 Session of the Virginia General Assembly, the staff of the Hampton Roads Planning District Commission has developed this 2012 Legislative Agenda. It outlines, based on ongoing HRPDC projects, prior HRPDC legislative positions and work of the region's localities, a series of issues that warrant regional attention during the upcoming legislative sessions. It also provides a recommendation or recommendations addressing each of the issues for consideration by the HRPDC.

Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (S.A.F.E Act)

HRPDC supports legislation, proposed by the Virginia Housing Coalition, providing an exception to the definition of "mortgage loan originator" allowing local government entities and regional agencies, such as HRPDC, to assist homebuyers, through the provision of downpayment and closing cost assistance without meeting the same criteria as mortgage loan originators.

Stormwater Management Program Consolidation

The Department of Conservation and Recreation proposes to integrate implementation of the Erosion and Sediment Control Act, Chesapeake Bay Preservation Act, Virginia Stormwater Management Act and expand the requirement to administer a qualified local program to all localities within the Commonwealth. HRPDC supports this proposed amendment.

Water Quality Funding

Virginia's local governments face mounting costs for water quality improvements for sewage treatment plants, urban stormwater, combined sewer overflows (CSOs), and sanitary sewer overflows (SSOs). In response to federal and state legislation, regulation and policies, the federal government and the Commonwealth should provide adequate funding for these water quality improvements.

The HRPDC urges the General Assembly to maintain its commitment to water quality through dedicated and adequate state appropriations to the Water Quality Improvement Fund and to make full and timely payments under point source upgrade contracts with local governments. Concurrently, the General Assembly should address costs associated with the permit requirements of Municipal Separate Storm Sewer Systems (MS4) Permits, associated new EPA regulations and the Chesapeake Bay TMDL and Virginia Watershed Implementation Plan.

Uranium Mining

The HRPDC requests the General Assembly maintain the moratorium on uranium mining or the consideration of such, until at least the 2013 General Assembly session. Furthermore,

the General Assembly is requested to direct the Department of Mines, Minerals, and Energy to not pursue development of regulations for uranium mining until after completion of and full consideration of the studies, which are presently underway.

Federal Facilities

The Hampton Roads region relies significantly on the defense industry. Two proposals are moving forward from Hampton Roads localities to enhance state support for the industry and for protection of existing facilities. To assist its member localities to ensure the continued viability of the defense industry in Hampton Roads, the HRPDC supports proposals to:

- Create the Virginia Facilities and Defense Industry Caucus.
- Maintain state funding for the land acquisition program supporting mitigation of encroachment around NAS Oceana.

Recycling Requirements

Each locality in the Commonwealth, individually or through a regional collaboration, is required to achieve a 25% recycling rate. A key constraint to local ability to achieve or exceed this recycling rate has been the lack of markets for the materials as well as access to industries that recycle or reuse the material. Recycling is an economic development tool as well as an environmental tool.

Despite increased public awareness of the benefits of recycling, beverage container recycling has been declining in recent years, while the amount of beverage containers that are being sold and consumed has increased over time.

The HRPDC supports legislation that would:

- Grant localities the authority to require certain businesses to recycle glass.
- Prioritize incentives to businesses that recycle materials, such as glass, paper and electronics, while concurrently providing new employment opportunities.

Septic Tanks

The Chesapeake Bay TMDL establishes limits on the amount of nitrogen, phosphorus, and sediment that can enter the Bay. As part of the effort to meet the nitrogen limits set forth in the TMDL, reductions in the nitrogen load from the onsite sewage system sector must be achieved. Monitoring of septic tank pumpout (once per 5 years), as required by the Chesapeake Bay Preservation Act, should be conducted by the Virginia Department of Health not by localities. The HRPDC supports the following recommendations:

- Seek legislative changes necessary to establish tax credits for upgrade/replacement of existing conventional systems with nitrogen reducing systems, or connection to existing sewer.
- Look into steps for gaining General Assembly approval to grant all counties the authority to require hook-ups to existing sewer lines when appropriate.
- Develop, in cooperation with state agencies, a legislative proposal to establish a cost share program, similar to what is done with the Agricultural BMP Cost Share Program, to assist with the cost of required upgrades or replacements and incentivize non-failing septic system owners to upgrade to a denitrifying system.
- Amend the Chesapeake Bay Preservation Act to require that monitoring of septic tank pumpout requirements be conducted by the Virginia Department of Health.

Environmental Education

The HRPDC continues to support passage of federal legislation known as the No Child Left Inside Act of 2009 and companion legislation that may be considered at the state level. This legislation would require each state to develop an environmental literacy plan to include environmental education standards and teacher training, as well as funding to support program development. This legislation would address one of the key findings of the research conducted in Hampton Roads over the past year by HR GREEN. The legislative proposal was endorsed by the HRPDC in November 2010.

Agriculture Programs

HRPDC supports a well-financed and fully staffed state program to address the problem of non-point source runoff from agricultural operations. The program should effectively encourage implementation of priority best management practices such as nutrient management planning, use of cover crops, continuous no-till farming, development of forested riparian buffers, and livestock stream exclusion.

Expand Authority for Tree Canopy Requirements

HRPDC supports the amendment of Virginia Code Section 15.2-961.1 to allow all Virginia localities to adopt an ordinance containing a set of tree canopy preservation requirements based on development density. Section 15.2-961.1 was adopted during the 2008 General Assembly session and is currently applicable only to the localities within Planning District Eight. Increasing the urban tree canopy is an inexpensive method to reduce nutrient loading through runoff reduction and will allow localities to reduce the cost of achieving nutrient reductions for urban stormwater.

Restoration of Funding to PDCs

In FY 2001, HRPDC received \$366,628 or \$0.24 per capita in basic funding from the Commonwealth's budget through the Department of Housing and Community Development. The legislative agenda of the Virginia Association of Counties supports overall funding of Virginia's Planning District Commissions at a level of \$0.35 per capita or

a minimum of \$100,000 per commission, whichever is greater. The Department of Conservation and Recreation (DCR) is relying on PDCs to facilitate the development of locality specific nutrient reductions in Phase II of the State's Watershed Implementation Plan.

HRPDC supports restoration of funding to Virginia's Planning District Commissions at the FY 2001 level of \$0.24 per capita.

State Fees on City Services (water, sewer, solid waste)

HRPDC strongly opposes the imposition of a state fee, tax or surcharge on water, sewer, solid waste or any service provided by a local government or authority to finance the nutrient reductions imposed by the Chesapeake Bay TMDL.

Unfunded Mandates

HRPDC opposes unfunded mandates by the Commonwealth. When funding for a mandated program is altered, the mandate should be suspended until full funding is restored. When legislation with a cost to localities is passed by the General Assembly, the cost should be borne by the state, and the legislation should contain a sunset clause providing that the mandate is not binding on localities until funding by the Commonwealth is provided. Furthermore, HRPDC opposes the shifting of fiscal responsibility from the state to localities for existing programs. Any unfunded mandate or shifting of responsibility should be accompanied by a full fiscal and program analysis to determine the relative costs to the state and to the locality and to assure the state is meeting its full funding responsibility before taking effect.