



THE LEGISLATIVE LINE

The Legislative Update from VPAR

Number 3

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2020 General Assembly Session Adjourns Sine Die

The 2020 legislative session of the Virginia General Assembly began on Wednesday, January 8th, and adjourned *Sine Die* (Latin for “without another day”) on Thursday, March 12th. Legislators left Richmond close to 5:00 PM on Sunday, March 8th after an exhaustive legislative work day last Saturday that concluded close to midnight, and yet were left with the critical tasks of approving a two-year budget, and electing judges, including electing judges to the State Corporation Commission (SCC). After a few days back in their districts, legislators returned to Richmond this past Thursday to complete work on all legislation.

This year was a “long session,” with legislators scheduled to convene in Richmond for 60 days to both act on legislation and develop the biennial budget. The General Assembly will reconvene briefly on Wednesday, April 22nd in the Reconvened Session to address the Governor’s recommendations regarding bills, budget amendments, and vetoed legislation.

With Democrats holding control of the House of Delegates, the Senate of Virginia, and the Governor’s Office for the first time in nearly 25 years, this session was full of changes: new members experienced session for the first time, while many House members elected in 2017 were appointed to new and influential positions on the money committees and as subcommittee chairs. Democrats hold a 55-45 advantage in the House of Delegates and a 21-19 advantage in the State Senate.

New leadership hit the ground running ahead of the bill pre-filing deadline, as the Division of Legislative Services received drafting requests for significantly more legislation this year - nearly 40 percent higher - than in previous years. This session also held historic significance, as women assumed roles previously only occupied by men in the General Assembly: Speaker of the House of Delegates Eileen Filler-Corn (D-Fairfax), Senate President *Pro Tempore* Louise Lucas (D-Portsmouth), House Majority Leader Charniele Herring (D-Alexandria) and Clerk of the House of Delegates Suzette Denslow all were the first women to hold their respective positions.

The new majority translated into a new host of issues taking center stage at the General Assembly, too. Gun violence prevention measures, non-discrimination policies, expansion of voting rights, allowing

localities to exercise control over monuments, overhauling transportation funding, raising the minimum wage, reforming health insurance, and promoting various forms of clean energy all were priorities of this Session. Additionally, redistricting was a hot-button issue this year, with both chambers eventually passing a re-enactment of last year's constitutional amendment that will create a nonpartisan redistricting commission. There will be a referendum on the ballot in November 2020 in this regard, and if passed, the commission will redraw the legislative district maps in 2021.

2020 Budget Bill

In Virginia, the budget operates on a biennium. Governor Ralph Northam proposed his budget in December 2019, and the House and Senate each released their own proposed budgets in February. In the Senate, Janet D. [Howell](#) (D-District 32), Richard L. [Saslaw](#) (D-District 35), Thomas K. [Norment](#), (R-District 3), Emmett W. [Hanger](#), Jr. (R-District 24), L. Louise [Lucas](#) (D-District 18), George L. [Barker](#) (D-District 39), R. Creigh [Deeds](#) (D-District 25), and Mamie E. [Locke](#) (D-District 2) served as budget conferees. In the House of Delegates, Luke E. [Torian](#) (D-Prince William), Mark D. [Sickles](#) (D-Arlington), Betsy B. [Carr](#) (D-Richmond), David L. [Bulova](#) (D-Fairfax), Roslyn C. [Tyler](#) (D-Sussex), Kirk [Cox](#) (R-Colonial Heights), and Barry D. [Knight](#) (R-Virginia Beach) served as budget conferees.

Around midnight on Saturday, March 7th, Senator Howell, Chairwoman of the Senate Finance and Appropriations Committee, and Delegate Torian, Chairman of the House Appropriations Committee, announced that they had reached a deal on the budget. The conference report for HB29 can be viewed [here](#). The conference report for HB30 can be viewed [here](#).

REALTOR® LEGISLATION

TAKE ACTION NOW on ASSOCIATION HEALTH PLANS (AHPs)!!!!

In light of adjournment, our focus has shifted from lobbying legislators to lobbying Governor Northam. On March 10th, VR launched an all-member call for action (CFA) asking the Governor to sign House Bill 795 and Senate Bill 235, which will enable us to move on to the next step in our pursuit of association health plans. <https://www.virginiarealtors.org/2020/03/06/virginia-realtors-implore-governor-to-sign-legislation-creating-affordable-health-plans/> Governor Northam needs to sign the bill into law before the Virginia State Corporation Commission can petition the federal government for a waiver that will allow us to begin working with insurance providers on potential plans for our Association members.

The bills passed the General Assembly with nearly unanimous, bipartisan support. Senate Bill 235, sponsored by Senator George Barker, passed the Senate 40-0 and the House 93-3. House Bill 795, carried by Delegate Chris Hurst, passed the House 93-3 and the Senate 39-0.

The legislation will give associations, like the Virginia REALTORS®, the ability to work with insurance providers in Virginia to establish the same type of health plans that large employers offer to their employees. Large employer plans are just as comprehensive as individual market plans but are

more affordable for Virginians who are not eligible for government assistance under the Affordable Care Act.

Virginia REALTORS® 2020 Legislative Agenda Status

Bill	Patron	Title	Status
SB 235	Sen. George Barker	Association Health Plans	Passed the Senate 40-0 and the House 93-3. The Governor has until April 11 to act.
HB 795	Del. Chris Hurst	Association Health Plans	Passed the Senate 40-0 and the House 93-3. The Governor has until April 11 to act.
SB 653	Sen. Jennifer Boysko	Rent Into Escrow	Passed the House 100-0. Passed the full Senate 40-0. The Governor has until April 11 to act.
SB 388	Sen. Jeremy McPike	Return of Security Deposit	Passed the House 100-0. Passed the full Senate 40-0. The Governor has until April 11 to act.
HB 594	Del. Jeff Bourne	Return of Security Deposit	Passed the House 100-0. Passed the full Senate 40-0. The Governor has until April 11 to act.
HB 513	Del. David Bulova	Death/Disability of Broker	Passed the House 100-0. Passed the full Senate 40-0. The Governor has until April 11 to act.
HB 176	Del. Marcus Simon	POA/COA Right of Rescission Extension	Passed the House 99-0. Passed the full Senate 40-0. Approved by the Governor on March 4, to become law on July 1.
SB 672	Sen. Monty Mason	POA/COA Right of Rescission Extension	Passed the House 98-0. Passed the full Senate 40-0. The Governor has until April 11 to act.
HB 788	Del. Lamont Bagby	Removal of Restrictive Covenants	Passed the House 99-0. Passed the full Senate 40-0. The Governor has until April 11 to act.

OTHER BUSINESS BILLS OF INTEREST

Hampton Roads Transit

VPAR, along with HRRRA, was heavily engaged on legislation, SB 1038 and HB 1726, that directly impact transit and transportation in our region. Initially, as introduced, the House Bill included a 15-cent increase in the grantors' tax to fund transit in Hampton Roads. VPAR and HRRRA lobbied heavily against that increase, including when the Senate version was amended over our objections to add the same 15-cent increase. Both bills also included a 1 percent increase in the Transient Occupancy Tax on Hampton Roads lodging and hotel stays.

Ultimately, with the support of VPAR and HRRRA leadership, we were able to shave the grantors' increase down to only six-cents, and also supported a last-minute, annual appropriation of \$20 million that will create a dedicated revenue stream to fund transit, redirecting existing funds from the state's portion of the recordation tax. (This funding is NOT an increase in the recordation tax but rather a redirection of existing General Fund monies that will become a dedicated revenue stream for regional transit improvements in Hampton Roads. Northern Virginia also uses state recordation funding for transit improvements.) In addition, we also reached consensus in adding a number of significant "guardrails" in the final bills. Those guardrails were:

- A prohibition on the six HRT localities (Hampton, Newport News, Norfolk, Virginia Beach, Chesapeake and Portsmouth) to reduce or supplant their local financial support of HRT;
- "Kill switch" language that will insure that any use of revenue allocated towards non-transit expenses will result in the tax increases to be repealed;
- A permanent stakeholders' group being convened for the purpose of advising regional transit and transportation leaders on best practices (GADs from both VPAR and HRRRA will be a part of this); and
- Management and appropriations of funds to be managed by the Hampton Roads Transportation Accountability Commission (HRTAC), rather than have the funds go directly to HRT.

VPAR and HRRRA gained significant political capital by being part of the solution, which also allowed us to prevent the bills from passing with the original increase, and likely, preventing an increase that could have been even higher than proposed.

Employment

Minimum wage (Delegate Ward, Senator Saslaw)

[HB 395 Minimum wage, increases to \\$9 per hour effective July 1, 2020.;](#)

[SB 7 Minimum wage; increases to \\$10 per hour effective July 1, 2020.](#) This year, multiple bills were introduced to increase the minimum wage in Virginia. While the bills had varying approaches, ultimately a deal was worked out in conference. The conference committee took a more conservative approach with a minimum wage increase to \$9.50 per hour starting January 1, 2021. On January 1, 2022 the minimum wage will increase to \$11 per hour and, finally, there will be an increase on January 1, 2023 to \$12 per hour. At that point, the wage will continue to increase to \$13.50 and then \$15 ONLY if the General

Assembly re-enacts the legislation to do so. Also, between 2022 and 2023, there will be a stakeholders' group to look at implementing a regional minimum wage. Both bills will head to the Governor to await his action.

Non-discrimination (Delegate Sickles, Senator Ebbin)

[HB 1663 Discrimination; prohibited in public accommodations, etc., causes of action.](#) ; [SB 868 Prohibited discrimination; public accommodations, employment, credit, and housing.](#) Also in 2020, several bills were introduced to address discrimination, especially based on sexual orientation that would potentially impact employers. Ultimately, Delegate Sickles' bill was left in conference; however, Senator Ebbin's bill passed both chambers and will head to the Governor to await his action. Senator Ebbin's bill was supported by a large coalition of business stakeholders.

Gender pay equity (Delegate Hurst)

[HB 624 Human Rights, Division of; requirements for equal pay irrespective of sex.](#) As originally introduced, Delegate Hurst's bill required the Division of Human Rights of the Office of the Attorney General to conduct an annual survey of information on job title, gender, and salary of all employers with 500 or more employees. It was significantly amended to put the requirement on companies of more than 100 employees to provide 13 different data points, including: (i) gender, (ii) race, (iii) job title, (iv) department, (v) job grade or level, (vi) hire date, (vii) job location, (viii) hours worked over the past 52 weeks, (ix) base wage or salary, (x) overtime pay and bonuses or other forms of compensation, (xi) applicable performance scores or ratings, (xii) level of education, and (xiii) years of experience in the relevant field or industry. Ultimately, after passing the House, the bill again was significantly amended in the Senate to become a "Section 1" bill requiring the Division of Human Rights to develop recommendations, engaging a stakeholders' group, regarding the type of information about businesses and their employees, and the accompanying methodology to enforce equal pay regardless of sex or race. The bill passed both Chambers and now awaits the action of the Governor.

VPAR's General Assembly Delegation Contact Information

Del. Emily Brewer, R-64 th , Smithfield	(804)698-1064	delEBrewer@house.virginia.gov
Del. Martha Mugler, R-91 st , Hampton	(804) 698-1091	DelMMugler@house.virginia.gov
Del. Keith Hodges, R-98 th , Urbanna	(804) 698-1098	DelKHodges@house.virginia.gov
Del. Mike Mullin, D-93 rd , Newport News	(804) 698-1093	delmmullin@house.virginia.gov
Del. Amanda Batten, R-96 th , Norge	(804) 698-1096	DelABatten@house.virginia.gov
Del. Marcia "Cia" Price, D-95 th , Newport News	(804) 698-1095	DelMPrice@house.virginia.gov
Del. Jeoin Ward, D-92 nd , Hampton	(804) 698-1092	DelJWard@house.virginia.gov
Del. Shelly Simonds, R-94 th , Newport News	(804) 698-1094	DelSSimonds@house.virginia.gov
Sen. Mamie Locke, D-2 nd , Hampton	(804) 698-7502	district02@senate.virginia.gov
Sen. Monty Mason, D-1st, Williamsburg	(804) 698-7501	district01@senate.virginia.gov
Sen. Tommy Norment, R-3 rd , James City	(804) 698-7503	district03@senate.virginia.gov

For additional information or other details, please contact Susan Gaston, VPAR's Legislative Consultant, at 757-871-1445, or by e-mail at susan@gastongroup.com.