2023 General Assembly Legislative Agenda

City of Hampton

Adopted: November 9, 2022

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General Assembly Delegation:

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2023 Legislative Requests:

1. Provide Localities the Authority to Regulate Blight in Neighborhoods–Vacant Building Registry
2. Fund Rental Increase for the Hampton Health District
3. Create Broader Authority to Use Photo-Monitoring Systems to Enforce Traffic Light Signals
4. Provide State Assistance to Decrease Law Enforcement Demands with Temporary Detention Orders (TDOs)

2023 Legislative Priority Positions:

1. Continue Supporting and Enhancing Localities' Resiliency Efforts
2. Continue Supporting the Preservation and Expansion of Tree Canopy
3. Increase Funding for the Removal of Derelict and Sunken Boats
4. Continue Funding the Department of Historic Resources for African American Cemeteries
5. Support Localities' Ability to Maintain Control Over Land Use and Zoning Decisions Including the Regulation of Short-Term Rentals
6. Restore Lost Transportation Revenue Resulting from the Elimination of the State Sales and Use Tax on Groceries
7. Continue Supporting and Funding Education Initiatives
8. Continue Supporting the Virginia Air & Space Science Center – Science, Technology, Engineering, and Math (STEM) 360 Program
9. Support Funding Request for Jefferson Lab High Performance Data Facility
10. Honor Prior Commitments to the State Assistance to Local Police Departments (599 Program)
11. Support and Increase Staffing for the Hampton Roads Regional Jail
12. Support an Increase in Funding for Jail Per-Diems at Local and Regional Jails
13. Refrain from Passing Unfunded Mandates/Constitutional Inequity Including Opposing Any State Mandated Exemptions to the Local Option Sales Tax
14. Expand Communications Sales and Use Tax

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Legislative Requests:

Provide Localities the Authority to Regulate Blight in Neighborhoods–Vacant Building Registry

Prior to 2013 localities had the authority to require registration of any building that had been vacant for a period of 12 months or more. In 2013, the General Assembly amended the Virginia Code to allow registration of such buildings only if they also met the definition of "derelict," which is defined as:

> *"A residential or nonresidential building or structure, whether or not construction has been completed, that might endanger the public's health, safety, or welfare and for a continuous period in excess of six months, it has been (i) vacant, (ii) boarded up in accordance with the building code, and (iii) not lawfully connected to electric service from a utility service provider or not lawfully connected to any required water or sewer service from a utility service provider."*

The City has encountered instances in which squatters were living in houses which the out-of-state owners believed to be vacant. Some of these houses have been involved in multiple shootings. However, these buildings would not meet the current definition of derelict. In order to avoid future situations of this nature, and so that the City knows which buildings should be vacant, we would like the General Assembly to "undo" the 2013 amendments of §15.2-1127, so that the Code reads as it did prior to 2013.

Fund Rental Increase for the Hampton Health District

The City of Hampton has hosted the Hampton Health District (the "District") within its borders continuously since at least 1977. The District provides valuable services to the citizens of Hampton, and in cooperation with the Peninsula Health District, also to the citizens of Newport News, Poquoson, York County, James City County, and Williamsburg. It has been located at 3130 Victoria Boulevard since its inception. The City bears primary responsibility for the upkeep and maintenance of the building. Accordingly, the City requests that the General Assembly appropriate funding to the Virginia Department of Health ("VDH") so that VDH may pay to the City rent on the full building square footage commensurate with the market, plus an added amount to defray the additional costs incurred by the City for janitorial services, capital maintenance, and upkeep.

Create Broader Authority to Use Photo-Monitoring Systems to Enforce Traffic Light Signals

The Code of Virginia allows localities, by ordinance, to establish a traffic signal enforcement program that provides for a civil penalty of $50 when the operator of a motor vehicle fails to comply with designated traffic signals within a locality. The authority provided currently does not allow for anything more than red-light traffic violations to be subject to enforcement in this

manner. The City of Hampton is directly impacted by the Hampton Roads Bridge Tunnel Expansion Project ("HRBT-P") and is experiencing significant traffic jams. These issues extend throughout the neighboring community of Phoebus as vehicles navigate off the interstate using short cuts through neighborhoods and the business district.

The rerouting of traffic to avoid congestion on the interstate is having a detrimental impact on citizens who live in the area, people who want to travel to do business in Phoebus and small businesses in the area. The proposed legislation would be specific only to Hampton and Norfolk and seeks authority for the City Council, by ordinance, to utilize photo-monitoring systems at any intersection the Council deems to be negatively impacted by traffic due to the HRBT-P for the purposes of enforcing highway signage. This would allow for photo-monitoring systems to be used for enforcement of infractions such as no right turn and blocking the intersection, not just a red-light violation.

Provide State Assistance to Decrease Law Enforcement Demands with Temporary Detention Orders (TDOs)

Police across the Commonwealth, and particularly the Hampton Police Division are increasingly being impacted by the challenge of providing transport as well as guarding subjects who are the subject of emergency custody orders (ECOs) and temporary detention orders (TDOs). Hampton is specifically impacted due to the lack of a receiving facility in its jurisdictional limits at this time. As of the beginning of October 2022, the total number of hours spent by Hampton Police Division hours on ECO and TDO custody and transport was over 11,000 hours. This large amount of time spent keeps officers from being able to engage in other policing activities in the community.

The City requests that the State provide additional assistance to decrease the time demands that Temporary Detention Order (TDO) responsibilities place on our locality police departments. Further, the City requests State funding to provide needed mental health resources/staff to transition TDO responsibilities away from local police officers and provide flexibility for other qualified professionals to perform TDO duties. Lastly, the City seeks authority that will allow localities the opportunity to contract for these services to reduce demands on local police forces.

Priority Positions:

Continue Supporting and Enhancing Localities' Resiliency Efforts

Support the efforts of the Commonwealth of Virginia and Hampton Roads Planning District Commission to Promote Coastal Resiliency and Adaptation to Climate Change Impacts.

Continue to provide meaningful, ongoing grant funding to localities' and individuals' flood resilience and climate change adaptation efforts. Specifically, the City of Hampton respectfully asks the General Assembly to continue to provide dedicated funding for the Virginia Community Flood Preparedness Fund, Stormwater Local Assistance Fund, and Virginia Conservation Assistance Program.

Continue to provide state-level coordination for coastal adaptation efforts. Specifically, the City respectfully requests that the General Assembly help support continuity in state-level planning by continuing to advance the recommendations for state-level leadership identified in the Virginia Coastal Resilience Master Plan. Additionally, the City believes that it will be critical to provide state-level staff resources with the responsibility to provide this crucial coordination, including naming a Special Assistant to the Governor for Coastal Adaptation and Protection or similar dedicated, state-level position to be a critical point of contact and resource for localities like Hampton.

Continue Supporting the Preservation and Expansion of Tree Canopy

Earlier this year, the General Assembly passed additional legislation that created a workgroup of stakeholders to recommend legislative solutions related to the expansion of tree canopy. We continue to support legislation to provide local governments with greater authority in the reforestation, preservation, and management of urban forests in recognition of their ability to capture and store carbon, reduce stormwater runoff, improve air quality, reduce energy use, and mitigate urban heat islands and their health effects. In addition, Hampton supports appropriating funds to the Department of Forestry's Urban Community Forestry Program to enable local governments to expand and better maintain urban tree canopy.

Increase Funding for the Removal of Derelict and Sunken Boats

The issue of abandoned, sunken, and/or derelict boats is a growing problem in Virginia waterways. During the 2022 General Assembly, the legislature appropriated $3.0 million in the first year to support the removal of derelict boats from the Virginia waterways. The City of Hampton requests that the General Assembly appropriate additional funds toward boat removals in the second year of the state budget.

Continue Funding the Department of Historic Resources for African American Cemeteries

In 2017, the Commonwealth created a Historical African American Cemeteries and Graves Fund (the "Fund"), which is administered by the Virginia Department of Historic Resources (DHR).

Hampton is home to several abandoned or neglected African American cemeteries and this Fund is instrumental in the preservation and maintenance of these historic cemeteries. The City requests that the Commonwealth continue to fund these efforts through DHR.

Support Localities' Ability to Maintain Control Over Land Use and Zoning Decisions Including the Regulation of Short-Term Rentals

The City supports maintaining and expanding local authority over land use/zoning issues and decisions. These issues are best made by those locally impacted. The City of Hampton further requests the continued ability to regulate short-term rentals locally in line with local zoning standards and ordinances.

Restore Lost Transportation Revenue Resulting from the Elimination of the State Sales and Use Tax on Groceries

During the 2022 General Assembly, the legislature approved budgetary actions that resulted in a $1.2 million loss in dedicated transportation revenue for Hampton Roads Transit during the 2022-2024 biennial budget and $4.9 million loss over the Six-Year Improvement Plan (SYIP). This funding loss will have a long-term negative impact on public transportation in Hampton Roads. The City of Hampton requests the General Assembly identify a funding replacement for this loss of revenue for transportation related services in Hampton Roads.

Continue Supporting and Funding Education Initiatives

Strong schools are not only essential for the students who attend them, but they also contribute to the City's economic growth as businesses and families consider school quality in their investment decisions. Future BRAC deliberations will consider the relative health of a military installation's surrounding school divisions as a measure of installation retention or growth. Throughout challenging economic times, the City of Hampton has maintained its commitment to Hampton City Schools. The City continues to support pay equity for teachers and support staff and we ask our legislative delegation to please keep teachers and support staff in the forefront of their minds when it comes to the difficult budgeting decisions that must be made. The City of Hampton also supports continued state funding for At-Risk Add On, Transformational High Schools, and the Virginia Preschool Initiative. In order to continue the positive forward momentum in our public schools, the state must be a reliable funding partner in accordance with the Virginia Constitution and state statutes.

The Standards of Quality should recognize the resources, including positions, required for a high-quality public education system. The City opposes any changes in methodology or changes in the division of financial responsibility that would result in a shift of funding responsibility from the state to localities. Further, the City opposes policies that lower state contributions but do nothing to address the cost of meeting the requirements of the Standards of Accreditation and Standards of Learning. Any approach to improving low-performing schools must include adequate state financial support.

Continue supporting the Virginia Air & Space Science Center – Science, Technology, Engineering, and Math (STEM) 360 Program

The City of Hampton recognizes the importance of increasing student achievement in STEM education. The Virginia Air & Space Science Center's education programs and experiences have been proven to increase student engagement, interest, and knowledge of STEM, particularly among underserved children. Located in a city-provided 100,000 square foot building in downtown Hampton, the Center has gained national and international recognition for being a leader in STEM education programs and research. While the Virginia Air & Space Science Center already receives support from the region's corporations, foundations, private donors and the City of Hampton, continued dedicated state funding is needed to expand the reach of its programs. The City supports the General Assembly maintaining funding of the STEM 360 program as appropriated in the current budget.

Support Funding Request for Jefferson Lab High Performance Data Facility

Virginia has the potential of securing a new supercomputing facility at Jefferson Lab in Newport News. This type of project has the potential of benefiting not only the science enterprise at the lab and throughout the federal Department of Energy (DOE) Office of Science complex but will also serve as a powerful resource for regional industries that focus on "big data" needs, such as drug discovery and design, healthcare, energy technologies, and advanced manufacturing.

The High Performance Data Facility (HPDF) would make Jefferson Lab, and Virginia, one of the world's key centers for advanced computing capabilities, attracting new and expanded programs and opening new opportunities for more of Virginia's universities to benefit from facilities and capabilities at Jefferson Lab. The City of Hampton supports General Assembly appropriations to secure this facility in Hampton Roads.

Honor Prior Commitments to the State Assistance to Local Police Departments (599 Program)

The Code of Virginia provides for financial assistance to localities with police departments through the "599" program. This legislation was enacted by the General Assembly when it imposed an annexation moratorium on cities more than 30 years ago. Currently, almost 70% of Virginians live in communities that have police departments. The General Assembly has increasingly de-emphasized this funding obligation as a priority.

Although the Code of Virginia sets out a distribution formula for calculating the amounts for eligible localities, in recent years the General Assembly has instead specified in the Appropriations Act that localities' allocations in a given fiscal year are to be based on a standard, across-the-board percentage increase or decrease from the previous fiscal year's allocations. The use of the Appropriations Act has led to a chronic underfunding of the Hampton Police Division and the other "599" eligible police departments throughout the Commonwealth. The City of Hampton calls for the state to honor its commitment to local

governments and public safety by funding the program as stipulated in the Code of Virginia.

Support and Increase Staffing for the Hampton Roads Regional Jail

As a member jurisdiction of the Hampton Roads Regional Jail (HRRJ) Authority, the City of Hampton is making two requests to the General Assembly in support of that body. 1) Increase in support for medical and mental health care at regional jails throughout the Commonwealth and 2) Secure additional jail officers to the Compensation Board complement each year, over two biennials.

Support an Increase in Funding for Jail Per-Diems at Local and Regional Jails

Jail per diem rates should be adjusted for inflation in line with the Consumer Price Index. The City of Hampton requests that the Code of Virginia be amended to require that jail per diem rates for all offenders held in a local or regional jail be regularly adjusted to reflect changes in the economy.

Refrain from passing unfunded mandates/constitutional inequity

The City of Hampton requests that the Governor and the General Assembly refrain from using local governments as a fiscal balance wheel in order to overcome revenue challenges. Transferring costs to local governments is neither responsible to the Commonwealth's citizenry, nor to the fiscal health of the Commonwealth. We urge the Commonwealth to look for other ways to share the strain local governments must endure as cuts and program costs are passed down. Local government mandates should not be imposed unless supported by state funding. If state funding is not available any
such mandate should not be imposed or should be imposed only as a local option.

In addition, the City recommends that state constitutional amendments with local government fiscal impacts require the cost burden to be allocated among all citizens of the Commonwealth so that the citizens of one or only a few localities are not unduly and inequitably burdened. To the extent that the Commonwealth mandates relief for certain groups, the General Assembly should simultaneously enact measures that equalize the impact among jurisdictions and should refrain from enacting policies and Constitutional amendments without adequately explaining the effects of such tax relief on all citizens or the cost of the tax relief.

Likewise, the City of Hampton opposes any attempt to mandate exemptions to the local option sales tax unless the General Assembly and/or Governor can establish a viable revenue-replacement for localities like Hampton. Further, handing down mandates on local governments with little or no flexibility or tools available to local governments to pay for these mandates is not tenable for the long term.

Expand communications sales and use tax

The City of Hampton supports amending the Communications Sales and Use Tax ("CSUT") to modernize that tax base to capture new technology that is being used to deliver traditional services subject to the tax. In particular, the tax base currently includes landline, pager and beeper services, facsimile services, and telegraph, telegram, telex, and teletypewriter services, and cable television, all of which are declining industries; and fails to capture new technology replacing those services, such as video streaming (i.e., Hulu and Netflix), online faxing, and pre-paid calling services. The impact of continued reliance on that outdated tax base is reflected in the revenues received by the City. Modernizing and expanding the Code would not only increase the revenue generated by the tax but would also level the playing field among traditional service providers and those providing the more modernized, yet comparable services.

The CSUT was implemented in 2007 and replaced most of the previous state and local taxes and fees on communications services.

Coalition and Community Partners' Legislative Programs:

The City of Hampton has a long-standing commitment to support and encourage our partnerships with local commissions, boards, organizations, coalitions and institutes of higher learning. As such, unless specifically stated, we generally support the legislative agendas of the following:

HAMPTON VA

HRTAC

Hampton Roads Transportation Accountability Commission

HAMPTON ROADS TRANSIT

Hampton Roads Regional Jail

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