

2024 General Assembly Veto Session Update

After legislation passes through both the House and Senate chambers of the General Assembly, it reaches the Governor's desk. Here, the Governor can either veto the legislation outright or propose amendments. Following this, the bills return to the General Assembly for final consideration during what is termed a Veto Session.

In the recent Veto Session held on April 17, 2024, decisive action was taken on the following several pieces of legislation with every veto of our concern sustained due to the narrow majority in both chambers of legislature ($\frac{2}{3}$ votes required to override a Gubernatorial veto).

Vetoed:

- **[HB 442](#) Mandatory Payment Plans, Del. Elizabeth Bennett-Parker (D-Alexandria)**
Delegate Bennett-Parker's H.B. 442 would have a devastating impact on the rental housing industry in Virginia. The bill mandates housing providers to offer payment plans for any delinquent resident to pay off the debt over as many as six monthly installments.
([Gubernatorial Veto Statement](#))
- **[HB 598](#) 14-Day Notice, Del. Marcia Price (D- Newport News)**
H.B. 598 would extend the "pay-or-quit" timeline (the amount of time before a housing provider may file an unlawful detainer to initiate the process to recover possession of a unit) to 14 days, drawing out the full eviction process to between 2½ to 3½ months.
([Gubernatorial Veto Statement](#))
- **[HB 1207/ SB 588](#) Committed Affordable Unit Criminal Screening Limits, Del. Cliff Hayes (D- Chesapeake), Sen. Louise Lucas (D- Portsmouth)**
HB 1207 and SB 588 would have precluded a provider of a committed affordable unit that has received tax credits or subsidies from undertaking a criminal history screening, or basing an adverse decision on criminal history information, other than through a model policy developed by the Department of Housing and Community

Development.

([Gubernatorial Veto Statement](#))

- **[HB 817](#) Anti Retaliation Protection for Residents, Del. Adele McClure (D- Arlington)**

HB 817 would have established a presumption of retaliatory conduct by a housing provider if it selectively increases rent or fees, decreases services, brings an action for possession, or declines to renew a lease within six months following a resident complaining to a government agency or the media about the conditions of a unit, attempting to exercise a right of remedy, or becoming a member of or trying to organize a tenants' association.

([Gubernatorial Veto Statement](#))

- **[HB 1251](#) Reducing Escrow Payments for Tenant's Assertions, Del. Rae Cousins (D- Richmond)**

Under current law a resident filing a "tenant's assertion of material noncompliance" by the housing provider must pay rent into an escrow account, which the court distributes to the provider or resident based on its determination of the case. HB 1251 originally made the escrow requirement into a court option. As amended, the escrow requirement is retained, but the bill removes a condition that only residents who are current on rent may file a tenant's assertion.

([Gubernatorial Veto Statement](#))

- **[SB 597](#) Affordable Dwelling Ordinances in All Localities, Del. Marcia Price (D- Newport News)**

SB 597 sought to authorize any locality in the Commonwealth to include an affordable housing dwelling unit program in its zoning ordinance. Current law restricts such authorization to Albemarle, Arlington, Fairfax, and Loudoun Counties and the Cities of Alexandria, Charlottesville, and Fairfax. The bill also details alternatives to bonus density that may satisfy the affordable housing program. Amendments removed provisions for requiring set-asides, prescribing design controls, or limiting building materials from the list of options. Although well intentioned, these ordinances can often be counterproductive and lead

to a reduction in new housing at all price points.
([Gubernatorial Veto Statement](#))

- **[HB 1475](#) Requirement for Air Conditioning Starting on April 1, Del. Karen Keys-Gamarra (D- Fairfax)**

HB 1475 originally required an apartment building's management to turn on its air conditioning system starting on April 1. The current building code sets the date as May 15. The bill is responding to resident complaints about the lack of air conditioning when it has become hot early but does not consider that HVAC systems can only be changed from heat to air conditioning once in the spring. VAMA worked to amend the bill to direct the Board of Housing and Community Development to evaluate such a change.

([Gubernatorial Veto Statement](#))

- **[HB 1398](#) Local Opportunity to Purchase Affordable Housing, Del. Elizabeth Bennett-Parker (D- Alexandria)**

HB 1398 would set up a framework for localities to purchase housing with expiring affordability commitments. The locality would be able to require housing providers to state their intent at least 2 years prior to the scheduled expiry of affordability commitments. It also grants the right of first refusal to match any private sale of the property. Although different from the District of Columbia's Tenant Opportunity to Purchase Act, VAMA member's experience with right of refusal provisions is that they generally interfere with the housing market and lead to materially worse conditions for both housing providers and residents.

([Gubernatorial Veto Statement](#))

Gubernatorial Amendments Rejected:

- **[HB 740](#) Bifurcation of Unlawful Detainer Cases, Del. Rae Cousins (D- Richmond)**

HB 740 originally exempted cases of rent nonpayment from a code provision that bifurcates the order of possession and the determination of final rent and damages in an unlawful detainer case.

([Gubernatorial Recommendation](#))

- **[HB 996/ HB 1271](#) Prospective Screening Limits, Del. Bonita Anthony (D- Norfolk)**

Governor Youngkin returned HB 996 with an amendment removing the requirements to disclose the information used in application screening and criteria for denial, to consider applications in the order they were received, to consider applications within 14 days, and to provide an explanation for adverse actions. The General Assembly rejected the amendment; the Governor may now sign or veto the original bill.

[\(Gubernatorial Recommendation\)](#)

- **[HB 993/ SB 422](#) Maintenance or Payment Processing Fee Prohibition, Del. Kathy Tran (D- Fairfax), Sen. Adam Ebbin (D- Alexandria)**

HB 993 and SB 422 would prohibit housing providers from charging fees for providing maintenance or repair of dwelling units, unless the damage is caused by a tenant action in violation of the Virginia Residential Landlord Tenant Act. The bills also originally precluded housing providers from charging payment processing fees for any mode of payment.

[\(Gubernatorial Recommendation\)](#)

- **[HB 955](#) Multilingual Lease Summary Page Requirement, Del. Alfonso Lopez (D-Arlington)**

Governor Youngkin returned HB 955 with an amendment conforming the bill to his proposed amendments to HB 967 and SB 405, limiting fees to those disclosed in the lease or added in a lease addendum. The Governor's amendment does not address translation into additional languages. The General Assembly rejected the amendment; the Governor may now sign or veto the original bill.

[\(Gubernatorial Recommendation\)](#)

- **[HB 597/ SB 479](#) Local Enforcement of Habitability, Del. Marcia Price (D- Newport News), Sen. Lashrecse Aird (D- Petersburg)**

These bills authorize localities to initiate an action to enforce a housing provider's duty to maintain a fit and habitable condition if conditions of material noncompliance exist related to fire hazard, serious threats to life, health, or safety, rodent infestation, lack of heat, running water,

electricity, or sewage disposal. Housing providers are already required to maintain fit and habitable conditions and local governments already have vehicles for enforcing the Virginia building code, so VAMA supports this legislation.

Governor Youngkin returned HB 597 and SB 479 with an added clause delaying enactment of the bill unless the General Assembly passes it again next year and calling for a study of the impact of all amendments made to the Virginia Residential Landlord and Tenant Act in the past five years on housing cost and availability in the Commonwealth. The General Assembly rejected the amendment; the Governor may now sign or veto the original bill.

[\(Gubernatorial Recommendation\)](#)

- **[HB 588](#) Lease Termination After a Fire or Casualty, Del. Adele McClure (D- Arlington)**

Delegate McClure's HB 588 responds to an incident in Arlington requiring residents to move so their housing provider could remediate conditions caused by a fire. Both the provider and the resident must give 21 days' notice to terminate a lease unilaterally. Providers must make a reasonable effort to find alternatives to termination, including offering the resident the chance to move to a similar unit, if one exists. Delegate McClure worked with VAMA to remediate concerns with initial drafts, and to clarify that it does not apply to a resident who causes the damage. VAMA supports the amended bill.

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[\(Gubernatorial Recommendation\)](#)

- **[HB 950](#) Prohibition on Mid-Cycle Building Code Modifications, Del. Alfonso Lopez (D- Arlington)**

Originally, HB 950 was a stretch code enablement bill like SB 409. Delegate Lopez amended the bill to preclude the Governor or Board of Housing and Community Development from modifying any regulation in the Uniform Statewide Building Code prior to the conclusion of the next triennial code development process. VAMA supports developing the building code through the triennial process.

Governor Youngkin returned HB 950 with an amendment requiring instead that legislative bills seeking to amend the Uniform Statewide Building Code be referred to the Board of Housing and Community Development for evaluation to determine their necessity and impact on public health, safety, and welfare. The General Assembly rejected the amendment; the Governor may now sign or veto the original bill. ([Gubernatorial Recommendation](#))

Gubernatorial Amendments Adopted:

- **[HB 967/ SB 405](#) Lease Fee Advertising and Reporting, Del. Alfonso Lopez (D- Arlington), Sen. Jennifer Boysko (D- Fairfax)**

HB 967 and SB 405 require housing providers to disclose and describe in the lease agreement any fees that will be charged to the tenant in addition to rent. Originally, the bills risked limiting pass-through utility charges, which are often not flat fees, required disclosure in advertisements, and required reporting fees to the Commonwealth. VAMA worked with the patrons and stakeholders to include a fee disclosure page in the lease, instead of as a separate document, and to limit the bills to mandating including a list of required and optional fees in the rental agreement.

Governor Youngkin returned HB 967 and SB 405 with amendments allowing fees to be incorporated into leases after execution by way of a separate addendum. The General Assembly accepted the amendment. ([Gubernatorial Recommendation](#))

- **[HB 1519](#) Electronic Funds Transfer Fee Prohibition, Del. Kannan Srinivasan (D- Loudon)**

Delegate Kannon Srinivasan's H.B. 1519 would prohibit housing providers from charging residents a processing fee when they remit

rental payments via electronic fund transfers. The bill provides no exception for passing along fees that are charged to the provider, forcing housing providers either to incur a cost to receive rent or to include those fees in rent charged to all residents, regardless of whether the resident remits payments electronically. Governor Youngkin has opted to amend and reenact HB 1519 as an SCC Study. ([Gubernatorial Recommendation](#))

- **[HB 1272](#) Requirement to Provide Lease Copies to Resident, Del. Katrina Callsen (D-Albemarle)**

Governor Youngkin returned HB 1272 with an amendment limiting the requirement to provide a hard copy of the lease to once per year and specifying that additional copies provided at no cost may be electronic. The General Assembly accepted the amendment. ([Gubernatorial Recommendation](#))

- **[HB 957](#) Presumption of Fault for Condemned Properties, Del. Alfonso Lopez (D-Arlington)**

Delegate Lopez's legislation provides a rebuttable presumption of a provider's material noncompliance with the rental agreement if the leased premises was condemned due to the provider's refusal or failure to remedy a condition that led to the condemnation unless such condition was caused by an act of God. The bill was amended to clarify that the housing provider is also not liable if the resident's action is the proximate cause of the damage that led to the condemnation, and to remove an award of three months' rent to the resident. Now, the provider shall owe actual damages, attorney's fees, any prepaid rent, security deposit paid, and rent paid after the unit was condemned. ([Gubernatorial Recommendation](#))

Bills Signed Not Withstanding Our Objection

- **[HB 959](#) Second Signature Towing Requirement, Del. Alfonso Lopez (D- Arlington)**

Starting as a consumer protection bill, Delegate Lopez amended H.B. 959 in committee to allow local governments to require a second signature for trespass towing. Under the amended bill, an agent of the property owner would have to sign off on each individual tow, even

though the owner has already contracted with the towing company to enforce trespass violations on their property (the “first” signature.) Although it was misrepresented that there was compromise language brought to the Senate Finance and Appropriations Committee, it did not address concerns brought by AOBA, VAMA, and the Arlington Chamber of Commerce.

A procedural flowchart of the Veto Session can be found [here](#). As an additional note, the previous budget proposal was scrapped, prompting the convening of a Special Session of the General Assembly on May 13, 2024. A vote is anticipated for the new budget proposal on May 15, 2024.

Please direct any questions regarding this update or legislative procedure to Erika Misseri at Erika@vamaonline.org.