

City of Hampton, Virginia



2021 Legislative Agenda

HAMPTON CITY COUNCIL

Donnie R. Tuck, Mayor
 Jimmy Gray, Vice Mayor
 Chris Bowman
 Eleanor W. Brown
 Steven L. Brown
 W. H. "Billy" Hobbs, Jr.
 Chris Osby Snead

City Manager – Mary B. Bunting
 City Attorney – Cheran C. Ivery

HAMPTON STATE LEGISLATIVE DELEGATION

<p align="center">T. Montgomery "Monty" Mason 1st Senate District P.O. Box 232 Williamsburg, VA 23187 757.229.9310 District01@senate.virginia.gov Session: 804.698.7501 Pocahontas Building Room No: E515</p>	<p align="center">Martha M. Mugler 91st House District P.O. Box 1875 Hampton, Virginia 23669 Session: 804.698.1091 Pocahontas Building Room No: W430</p>
<p align="center">Mamie E. Locke, Ph.D 2nd Senate District P.O. Box 9048 Hampton, VA 23670 757.825.5880 district02@senate.virginia.gov Session: 804.698.7502 Pocahontas Building Room No: E510</p>	<p align="center">Jeion Antonia Ward 92nd House District 2017 Cunningham Drive, Suite 209 Hampton, VA 23666 757.827.5921 DelJWard@house.virginia.gov Session: 804.698.1092 Pocahontas Building Room No: E317</p>
<p align="center">Thomas K. Norment, Jr. 3rd Senate District P.O. Box 6205 Williamsburg, VA 23188 757.259.7810 district03@senate.virginia.gov Session: 804.698.7503 Pocahontas Building Room No: E603</p>	<p align="center">Marcia S. "Cia" Price 95th House District P.O. Box 196 Newport News, Virginia 23607 757.266.5935 DelMPrice@house.virginia.gov Session: 804.698.1095 Pocahontas Building Room No: W227</p>

Legislative Requests

- Create an Annual Fund to Address the Needs of Virginia's Military and Federal Facilities
- Include the City of Hampton in Localities Permitted to Host Casino Gaming
- Increase Localities' Ability to Share Information to Provide Resources through the use of Serious or Habitual Offender Comprehensive Action Program for Juveniles (SHOCAP)
- Provide Localities the Authority to Regulate Blight in Neighborhoods

Hampton's Priority Policy Positions

- Continue Supporting and Enhancing Localities' Resiliency Efforts
- Continue Supporting and Funding Education Initiatives
- Expand Communications Sales and Use Tax
- Honor Prior Commitments to the State Assistance to Local Police Departments (599 Program)
- Refrain from Passing Unfunded Mandates/Constitutional Inequity
- Support and Increase Staffing for the Hampton Roads Regional Jail

LEGISLATIVE REQUESTS

(Listed in alphabetical order)

Create an Annual Fund to Address the Needs of Virginia's Military and Federal Facilities

A 2015 DOD study quantified Defense spending in Virginia at \$53 billion dollars; we have the largest defense spending as a share of state GDP at 11.8 percent. Military spending accounts for 44 percent of federal spending in Virginia. However, the economic benefits created by military installations are susceptible to changes to the Federal budget and to potential future rounds of Base Realignment and Closure (BRAC). In an effort to support the long-term sustainability of military facilities in the Commonwealth, many communities have participated in a Joint Land Use Study.

A Joint Land Use Study (JLUS) is a cooperative planning effort conducted as a joint venture between an active military installation, surrounding jurisdictions, state and federal agencies, and other affected stakeholders, to address compatibility around military installations. The goal of a JLUS is to reduce potential conflicts between military installations and surrounding areas while accommodating new growth and economic development, sustaining economic vitality, protecting public health and safety, and protecting the operational missions of the installation.

After participating in a JLUS and through a combination of federal, state, and municipal funding, the City of Hampton has been able to successfully acquire almost 200 acres of privately held land as part of an effort to combat encroachment that would limit or restrict military training, testing, and operations at Joint Base Langley-Eustis. Although this program has been very successful for Hampton in mitigating our encroachment issues, the current fund cannot be used for force protection or readiness issues, and the amount of funding that has been allocated is insufficient to address emerging needs.

The success of the encroachment program can and should be a model to provide resources to support other local infrastructure projects deemed to have a positive impact on the military value of installations within the Commonwealth, which benefit both the local community and the military installations. As such, and with our coalition of local partners, we would respectfully request the General Assembly create a fund of a minimum of \$5 million dollars annually for the purpose of addressing or mitigating needs other than encroachment that are identified by host localities of Virginia's military and federal facilities. The fund would be administered through the Virginia Office of Veterans and Defense Affairs and any allocations made to localities for eligible projects would be subject to a local match; however, the Secretary's office would have discretion to waive the match requirement for communities without the means to provide a match.

Include the City of Hampton in Localities Permitted to Host Casino Gaming

During the 2020 legislative session the General Assembly passed Senate Bill 36 which would authorize casino licenses through the Virginia Lottery Board subject to certain requirements. One such requirement deals with specific parameters around host cities for casino licenses that narrowly tailor the potential licensees to Bristol, Danville, Richmond, Norfolk, and Portsmouth. Because the legislation required a referendum to be completed by November 3, 2020, the General Assembly may have the opportunity to revisit the topic this 2021 session.

Working in a collaborative fashion with neighboring localities, the City of Hampton provides another viable option for a casino host site. Both the Joint Legislative Audit Review Commission (JLARC) report on casinos and a study by the Innovation Group for the City of Hampton found that the Hampton Roads region could support three casinos. Hampton is ideally geographically situated within the Hampton Roads Peninsula. Further, Hampton is committed to pursuing a regional approach that will benefit the region as a whole and not just a single host locality. The City Council respectfully asks that the General Assembly consider Hampton as a possible host city.

Increase Localities' Ability to Share Information to Provide Resources through the use of Serious or Habitual Offender Comprehensive Action Program for Juveniles (SHOCAP)

Under current law the Serious or Habitual Offender Comprehensive Action Program (SHOCAP) is a multidisciplinary interagency case management and information sharing system which enables the juvenile and criminal justice system, schools, and social service agencies to make more informed decisions regarding juveniles who repeatedly commit serious criminal and delinquent acts. To reach this threshold the juvenile must either be (i) adjudicated delinquent or convicted of murder or attempted murder, armed robbery, any felony sexual assault or malicious wounding, or a felony violation of a gang-related crime or (ii) convicted at least three times for offenses which would be felonies or Class 1 misdemeanors if committed by an adult. The City of Hampton would like to be able to identify these individuals earlier to provide wraparound services prior to them committing one serious offense or three felonies and Class 1 misdemeanors.

Provide Localities the Authority to Regulate Blight in Neighborhoods

City Council is the body of government that is closest to the people, and requires flexibility to meet the needs of its citizens. Two major areas of concern are vacant buildings and rental properties. We would request the following two legislative actions:

1. **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 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.”

Recently, the City has had a couple of issues where squatters have been living in houses which the out-of-state owners believed to be vacant. Those two houses have been involved in multiple shootings this year. Neither of those buildings would have met the definition of derelict. In order to avoid future situations like this, and so that the City knows which buildings should be vacant, we would like the General Assembly to essentially undo the 2013 amendments of §15.2-1127, so the code reads as it did prior to 2013.

- 2. Regulation of Clutter.** Section 15.2-901 of the Code of Virginia currently allows local governments to require removal from private properties of any “trash, garbage, refuse, litter, and other substances which might endanger the health or safety of other residents of such locality.” This language leaves a gap in authority, which prevents local governments from regulating items such as mechanical equipment, household furniture, containers, and other substances (“clutter”) which do not constitute “trash, garbage, refuse, or litter” but which have a negative effect on neighborhoods when left in view for extended periods of time, or when allowed to accumulate. This results in the continuing negative presence of clutter on private properties. The appearance of neighborhoods is connected to property values, crime, and the overall pride and health of the community. Accordingly, the City of Hampton is requesting additional authority for localities within Planning District 23 to regulate clutter, when it has accumulated or when it is left in public view for extended periods of time.

HAMPTON'S PRIORITY POLICY POSITIONS

(Listed in alphabetical order)

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, Adaptation to Sea Level Rise, and Climate Change.**
 - This year, the Virginia Department of Forestry (VADOF) requested that the Green Infrastructure Center, Inc., study the Code of Virginia related to legal authority to preserve tree canopy. The study culminated in a report entitled, "A Select Review of the Virginia State Code for Trees and Forests," which was published in August of 2020. The City of Hampton, along with the Hampton Roads Planning District Commission (HRPDC) supports the legislative recommendations contained in this report, which if adopted, would give Virginia localities additional tools canopy for tree conservation.
 - Last year, House Bill 520 (2020) required the Virginia Department of Environmental Quality (VDEQ) to convene a stakeholder advisory group for the purpose of studying the planting or preservation of trees as an urban land cover type and a stormwater best management practice (BMP). The City of Hampton supports this stakeholder process and encourages the inclusion of trees as a permitted type of BMP.
- **Support the Virginia Shoreline Resiliency Fund and Stormwater Local Assistance Fund.** The City of Hampton continues to face challenges dealing with sea level rise and coastal adaptation that require innovative solutions. In order to support localities taking a comprehensive approach we would respectfully ask the General Assembly to continue to look at a dedicated source of funding for the Virginia Shoreline Resiliency Fund, to continue adding monies to the Stormwater Local Assistance Fund and to allow localities more flexibility when it comes to addressing these challenges.

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.

We are pleased to report that Hampton City Schools perform better than other urban school districts across all measures. Hampton's on-time graduation rate is the second highest on-time

graduation rate in the region at 96.18%. Also, Hampton has the second highest rate in the Commonwealth of Virginia when compared to school divisions that have more than 1,000 students in the Class of 2020. Hampton schools continue to make exciting advancements by focusing on career-based academies and becoming the first urban district in Hampton Roads to commit to providing tablet devices to all middle and high school students. Those investments are paying dividends. Hampton City Schools has been selected as the most technologically advanced school system in the nation.

None of this would be possible without the excellent teachers in 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 Education Funding, 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. We oppose 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, we oppose 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.

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

The Code of Virginia (§9.1-165, et seq.) 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, 175 cities, counties and towns receive "599" funds. The Department of Criminal Justice Services (DCJS) administers the program.

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 distribution formula has, in effect, been superseded during those years by the instructions in the Appropriations Act.

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.

Modernize the 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. Over the course of the last five (5) fiscal years, the City has experienced a 16.7% decline, with revenues progressively declining from \$9.1 million in FY15 to \$7.58 million in FY 20. 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. The tax is generally collected by sellers from consumers and remitted monthly to the Virginia Department of Taxation, which then distributes it to localities (net of its administrative costs). The City also supports increasing the CSUT from 5% to the prevailing State sales tax rate of 5.3% percent as another way to counter the progressive decline in local revenues.

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. The Governor and the General Assembly should make the difficult decisions to cut state services or raise taxes just as localities have had to do for years. 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. For

instance, the City of Hampton has the highest per capita population of veterans in the Commonwealth of Virginia, and in the United States. The City is proud to host our veterans and know that they have found a well-run, responsive local government and a caring community with an abundance of natural resources, health care facilities, and other quality of life factors. However, state mandated tax relief programs for veterans also create a unique challenge for the City, as such programs have a more dramatic impact on the City of Hampton's budget than any other locality. The City experiences a disproportionate impact due to the number of veterans residing in our City, leading to a financial strain.

As such the burden of taxation, as well as the benefits of services, should be shared and enjoyed by all. 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. 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.

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. The first is for an increase in support for medical and mental health care at regional jails throughout the Commonwealth. The second request is for the addition of jail officers to the Compensation Board complement each year, over two biennials. Both of these requests come in response to negotiations following an investigation of the HRRJ by the US Department of Justice.

Support the Virginia Air & Space Center – Science, Technology, Engineering, and Math (STEM) Programs

The City of Hampton recognizes the importance of increasing student achievement in STEM education. The Virginia Air & Space 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 Center already receives support from the region's corporations, foundations, private donors and the City of Hampton, dedicated state funding is needed to expand the reach of its programs.

The City supports the General Assembly providing a new direct appropriation of \$650,000 annually for the Virginia Air and Space Center's STEM programs. We further request flexibility for up to \$350,000 of these funds to be used for the design and development of new 21st Century exhibits, materials, and equipment that will assist the Center in providing STEM programming and experiences to Virginia's students and families.

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 Roads Planning District Commission**
- **Hampton Roads Transportation Planning Organization**
- **Hampton Roads Transportation Accountability Commission**
- **Transportation District Commission of Hampton Roads (dba Hampton Roads Transit)**
- **Hampton Roads Military and Federal Facilities Alliance**
- **Virginia Municipal League**
- **Virginia First Cities**
- **Hampton University**
- **Hampton-Newport News Community Services Board**
- **Hampton Roads Regional Jail**
- **Fort Monroe Authority**
- **Chesapeake Bay Foundation**
- **Virginia Seafood Agriculture Research and Extension Center**