

POSITION STATEMENT FORM

(We intend to use what is submitted in this form to draft an item for consideration to present to the Legislative Committee; however, submissions will be edited, and additional background or other relevant information will be included in any item to be considered by the Legislative Committee)

GENERAL SUBJECT AREA -- TITLE OF PROPOSAL:

Conservation landscaping in common interest communities

PROPOSAL: *(Provide brief description of legislative or funding position)*

Support legislation which ensures homeowners living in community associations (e.g. HOAs) have the option to install conservation landscaping to help address stormwater runoff on private property.

SOURCE: *(Provide the name of the agency, board, or commission generating the proposal and the date of the proposal)*

Environmental Quality Advisory Council (EQAC)

BACKGROUND:

(Briefly summarize why the position(s) is/are necessary to the County; list any pros/cons, note any previous Board of Supervisors action or previous General Assembly study or action on this issue; note any other helpful information. This section should provide a synthesis of the proposal and should be no more than one paragraph, two if necessary; the Board wants concise information in the Legislative Program. Please use "Additional Background Information" on the next page to more fully explain the proposal. If you are submitting more than one proposed position, please include background information for each position.)

Nearly 25% of Virginians live in common interest communities, such as HOAs. Many HOAs restrict opportunities for residents to manage their runoff using native plantings ("conservation landscaping"). These restrictions prevent property owners from reducing stormwater impacts on their own properties and stormwater impacts to our local creeks and streams. Moreover, restrictions on landscaping limits these Virginian's from accessing state-funded programs like the Virginia Conservation Assistance Program. As Virginia continues to face more frequent and intense storms, it will be important to use every tool in our toolbox to protect our local streams, the Bay, and our drinking water.

STAFF RECOMMENDATION:

(Do not fill out-- This will be indicated by the Legislative Director and County Executive)

POSITION STATEMENT INFORMATION SHEET

(Supplemental background information to be used by staff)

GENERAL SUBJECT AREA -- TITLE OF PROPOSAL:

Conservation landscaping in common interest communities

ADDITIONAL BACKGROUND INFORMATION:

(Additional information may be necessary to fully develop the idea. Please assume that government relations staff may need additional technical information to fully explain the proposal and the necessity for the proposal.)

HB528 (<https://lis.virginia.gov/cgi-bin/legp604.exe?241+sum+HB528>) was introduced in the 2024 General Assembly by Delegate Krizek and co-patroned by Senator Surovell and Delegate Laufer. The bill saw significant support from the conservation community. Through collaboration with the Community Associations Institute (the primary lobbying organization for community associations), the bill evolved during the course of the General Assembly. While significant progress was made on bill language, Delegate Krizek withdrew the bill in committee and requested a workgroup with the Housing Commission. The bill was discussed at the Housing Commission's June 5, 2024 *Local Land Use and Community Living* workgroup. The organizations working together on the bill language are expected to return to the workgroup with an update on August 20, 2024.

The Chesapeake Bay Foundation created a one-page fact sheet for the 2024 General Assembly with more information on the proposal:

https://drive.google.com/file/d/1wK3Kli8KPa42peG2HUu2xTXtMIPr9x-t/view?usp=drive_link

POSSIBLE SUPPORT OR OPPOSITION BY ORGANIZATIONS:

(List any organizations or groups, if any, which might be in favor of or against the proposed position)

Supporters of HB528 during General Assembly 2024:

- Nature Forward
- Wild Ones NOVA
- Chesapeake Bay Foundation
- Virginia Native Plant Society
- Virginia Association of Soil and Water Conservation Districts (VASWCD)
- Virginia Conservation Network
- Virginia League of Conservation Voters
- Garden Club of Virginia
- Audubon Society of NOVA
- James River Association
- Friends of the Rappahannock
- Chesapeake Climate Action Network (CCAN)

Note: Nature Forward, Wild Ones, and the Community Associations Institute are expected to collaborate on next steps for the bill language and will present their findings to the Housing Commission's *Local Land Use and Community Living* workgroup on August 20.

STAFF CONTACT PERSON(S):

(Provide name and phone number of County staff person(s) best able to provide any additional research or necessary information)