

Preservation Virginia monitors the General Assembly session each year to keep you informed about legislation that impacts historic preservation. Weekly updates provide insights and calls for action on preservation related legislation and budget items. Sign up for Legislative Alerts [online](#).

## **2023 General Assembly Legislative Update**

### **March 6, 2023**

The General Assembly has adjourned sine die completing its work on policy legislation for the 2023 General Assembly Session. While the General Assembly passed a short (5-page) stopgap budget, the General Assembly has not yet passed its amendments to the biennial budget. Budget negotiations continue, although are presently held up by debate over tax cuts versus tax rebates. These negotiations will resolve on an uncertain timeline. Legislators will be called back into session by the Governor once a compromise is reached.

Several of Preservation Virginia's priority bills passed the General Assembly. The Governor must act on most of these bills by midnight on March 27<sup>th</sup>. The General Assembly will reconvene in April to address any vetoes or amendments by the Governor.

#### **Bill Tracker**

##### **Historic Rehabilitation Tax Credit**

**[HB 1668](#) - Historic rehabilitation; increases maximum amount of tax credit.**

**Patron:** [Marshall](#)

**Summary:** Increases from \$5 million to \$10 million, beginning in taxable year 2023, the maximum amount of the historic rehabilitation tax credit, including amounts carried over from prior taxable years, that may be claimed by a taxpayer in any taxable year. In addition, should the taxpayer incur expenses toward the rehabilitation of a certified historic structure in a locality that has a designated enterprise zone, as defined in the Code, the taxpayer may claim up to an additional \$10 million in any taxable year.

**Status:** Left in House Finance Committee **[HB 2064](#) - Historic rehabilitation; increases maximum amount of tax credit.**

**Patron:** [Lopez](#)

**Summary:** Increases from \$5 million to \$10 million the maximum amount of the historic rehabilitation tax credit, including amounts carried over from prior taxable years, that may be claimed by a taxpayer in any taxable year beginning in taxable year 2023.

**Status:** Left in House Finance Committee

**[SB 1066](#) - Historic rehabilitation; increases maximum amount of tax credit.**

**Patron:** [Surovell](#)

**Summary:** Increases from \$5 million to \$10 million, beginning in taxable year 2023, the maximum amount of the historic rehabilitation tax credit, including amounts carried over from prior taxable years, that may be claimed by a taxpayer in any taxable year. In addition, should the taxpayer incur expenses toward the rehabilitation of a certified historic structure in a locality that has a designated enterprise zone, as defined in the Code, the taxpayer may claim up to an

additional \$10 million in any taxable year.

**Status:** Stricken from docket in House Finance Subcommittee

**[HB 2109](#)- Historic rehabilitation tax credit; use for historic school buildings.**

**Patron:** [Bourne](#)

**Summary:** Extends the historic rehabilitation tax credit to include improvements to or reconstruction of a historic school building. Historic school building is defined in the bill as a certified historic structure or a structure that is at least 50 years old that is a public school or is to be used as a public school. Such historic rehabilitation projects shall be consistent with the Secretary of the Interior's Standards for Rehabilitation. Repairs or renovations to windows, doors, structural features, or other projects that are consistent with such standards shall qualify for the credit.

**Status:** Stricken from the docket and left in House Finance Committee

**Green Book**

**[HB 1968](#)** - Department of Historic Resources; Green Book historic site designations.

**Patron:** [Mullin](#)

**Summary:** Directs the Department of Historic Resources, in partnership with the Virginia Tourism Corporation and the Department of Transportation, to designate or approve supplementary signs for historic site signs identifying Green Book locations and businesses in the Commonwealth. The bill defines "Green Book" as *The Negro Motorist Green Book* published by Victor Hugo Green, which provided a list of hotels, guest houses, service stations, drug stores, taverns, barber shops, and restaurants known to be safe for traveling Black Americans during the Jim Crow era.

**Status:** Passed House and Senate; awaiting action by Governor

**African American Cemeteries**

**[HB 2244](#)** - Department of Historic Resources; appropriations for African American cemeteries and graves.

**Patron:** [Cordoza](#)

**Summary:** Requires appropriations by the Department of Historic Resources for African American cemeteries to be allocated on the bases of (i) the number of markers in a cemetery of African Americans who were born after January 1, 1900, and interred in such cemetery prior to January 1, 1948, and (ii) the number of markers in a cemetery of African Americans who lived on or after January 1, 1800, but not after January 1, 1900. Under current law, such appropriations are allocated on the basis of the number of markers in a cemetery of African Americans who were interred in such cemetery prior to January 1, 1948.

**Status:** Passed House and Senate; awaiting action by the Governor

**[SB 1062](#)** - Department of Historic Resources; appropriations for African American cemeteries and graves.

**Patron:** [Spruill](#)

**Summary:** Requires appropriations by the Department of Historic Resources for African American cemeteries to be allocated on the bases of (i) the number of markers in a cemetery of African Americans who were born after January 1, 1900, and interred in such cemetery prior to

January 1, 1948, and (ii) the number of markers in a cemetery of African Americans who lived on or after January 1, 1800, but not after January 1, 1900. Under current law, such appropriations are allocated on the basis of the number of markers in a cemetery of African Americans who were interred in such cemetery prior to January 1, 1948.

**Status:** Passed House and Senate; awaiting action by the Governor

### **Tribal Nations**

**[SB 1332](#) - Federally recognized Tribal Nations in the Commonwealth; consultation on permits and reviews.**

**Patron:** [McClellan](#)

**Summary:** Requires the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Historic Resources, and the Virginia Marine Resources Commission to establish policies and procedures for consulting with federally recognized Tribal Nations in the Commonwealth when evaluating certain permits and reviews relating to environmental, cultural, or historic resources that potentially impact those federally recognized Tribal Nations in the Commonwealth. The bill directs the Secretary of the Commonwealth to designate an Ombudsman for Tribal Consultation to facilitate communication and consultation with federally recognized Tribal Nations in the Commonwealth. The bill codifies Executive Order 82 (2021).

**Status:** Left in House Committee on Agriculture, Chesapeake, and Natural Resources

### **Local Historic Preservation**

**[HB 2371](#) - Alexandria Historical Restoration and Preservation Commission; surety bonds for membership.**

**Patron:** [Bennett-Parker](#)

**Summary:** Removes the requirement that members of the Alexandria Historical Restoration and Preservation Commission give a surety bond in the sum of \$10,000 that is executed by a surety company, payable to the Governor and his successors in office, and conditioned upon the member's faithful performance of his duties.

**Status:** Passed House and Senate; awaiting action by the Governor

**[SB 942](#) - Alexandria Historical Restoration and Preservation Commission; surety bonds for membership.**

**Patron:** [Saslaw](#)

**Summary:** Removes the requirement that members of the Alexandria Historical Restoration and Preservation Commission give a surety bond in the sum of \$10,000 that is executed by a surety company, payable to the Governor and his successors in office, and conditioned upon the member's faithful performance of the his duties.

**Status:** Passed House and Senate; awaiting action by the Governor

### **Capitol Square Preservation Council**

**[SB 1357](#) - Capitol Square Preservation Council; powers and duties; review and approval of plans for changes to artifacts contained within the Capitol Building.**

**Patron:** [Norment](#)

**Summary:** Grants the Capitol Square Preservation Council the authority to review and approve

all plans or proposals for alterations, improvements, additions, or renovations to, or other disposition of, any monuments, statuary, artwork, or other historical artifacts contained within the Capitol Building, including within the old and new Senate chambers, the old and new halls of the House of Delegates, and the Rotunda.

**Status:** Passed House and Senate; awaiting action by the Governor

### **Commissions**

#### **SB 1412 - American Revolution 250 Commission; report.**

**Patron:** [Norment](#)

**Summary:** Changes the American Revolution 250 Commission, established in 2020, from an executive branch advisory commission to a legislative branch commission. The bill revises the Commission's membership and provides that members previously appointed to the Commission shall continue to serve unless replaced. The bill also (i) permits the Commission to establish an executive committee that may act on behalf of the full Commission between meetings and (ii) creates the Virginia American Revolution 250 Commission Fund. The bill extends the Commission's sunset date from July 1, 2027, to July 1, 2032.

**Status:** Passed House and Senate; awaiting action by the Governor

### **Land Use**

#### **HB 1612 - Vacant building; registration.**

**Patron:** [Williams Graves](#)

**Summary:** Permits any city and certain towns to require, by ordinance, the owner of any building that has been vacant for at least 12 months and that may endanger the public health, safety, or welfare to register such building annually. Under current law, any city and certain towns are permitted to require the owner of any building that has been vacant for at least 12 months and meets the definition of "derelict building" in relevant law to register such building annually.

**Status:** Incorporated into HB 1482

#### **HB 1482 - Vacant building; registration.**

**Patron:** [Ward](#)

**Summary:** Permits any city and certain towns to require, by ordinance, the owner of any building that has been vacant for at least 12 months and that may endanger the public health, safety, or welfare to register such building annually. Under current law, any city and certain towns are permitted to require the owner of any building that has been vacant for at least 12 months and meets the definition of "derelict building" in relevant law to register such building annually.

**Status:** Failed in House 63-37 (required 2/3 vote to pass)

#### **SB 838 - Vacant building; registration.**

**Patron:** [Locke](#)

**Summary:** Permits any city and certain towns to require, by ordinance, the owner of any building that has been vacant for at least 12 months and that may endanger the public health, safety, or welfare to register such building annually. Under current law, any city and certain towns are permitted to require the owner of any building that has been vacant for at least 12

months and meets the definition of "derelict building" in relevant law to register such building annually.

**Status:** Failed to report (defeated) in Counties, Cities and Towns (10 Y-10 N)

**[SB 1111](#) - Cities and certain towns; powers, increases vacant building registration fees, civil penalty.**

**Patron:** [Hashmi](#)

**Summary:** Provides that in its consideration of certain communications infrastructure applications, a locality shall not disapprove an application if (i) the proposed new structure provides additional wireless coverage or capacity for first responders or (ii) the proposed tower is not within a four-mile radius of an existing tower that is part of the applicant's network. Additional changes in the bill provide that a locality shall not be prohibited from disapproving certain applications for any zoning approval required for non-administrative review-eligible projects on the basis of the fact that the proposed height of any wireless support structure, wireless facility, or wireless support structure with attached wireless facilities exceeds 200 feet above ground level. Current law sets the limit at 50 feet above ground level.

**Status:** Passed by indefinitely in the Local Government Committee with a letter

**Data Centers**

**[SB 1078](#) - Siting of data centers; impacts on resources; site assessment.**

**Patron:** [Petersen](#)

**Summary:** Provides that any local government land use application required for the siting of a data center shall only be approved in areas where the data center (i) will have a minimal impact on historic, agricultural, and cultural resources and (ii) will not be within one mile of a national park or state park or other historically significant site. The bill also requires that prior to any such approval, a site assessment shall be performed to examine the effect of the data center on water usage and carbon emissions as well as any impacts on agricultural resources.

**Status:** Passed by indefinitely in Senate Rules

**[SJ 240](#) - Study; Department of Energy; impacts of data center development; report.**

**Patron:** [Petersen](#)

**Summary:** Directs the Department of Energy to study the impacts of data center development on Virginia's environment, economy, energy resources, and ability to meet carbon-reduction goals.

**Status:** Left in House Rules

**[HB 2479](#) - Data centers and cloud computing; sales tax exemption; grant fund.**

**Patron:** [Knight](#)

**Summary:** Creates the Cloud Computing Cluster Infrastructure Grant Fund for the purpose of providing grants to qualified companies, defined in the bill as a company, including its affiliates, that enters into a memorandum of understanding with the Virginia Economic Development Partnership Authority and is expected to (i) make or cause to be made a capital investment of at least \$50 billion and (ii) create at least 1,500 new full-time jobs that pay an average annual wage of at least \$122,300.

**Status:** Passed House and Senate with conference report; awaiting action by the Governor

**Transmission Lines**

**HB 2482 - Electricity transmission; improvement of certain projects.**

**Patron:** [Fariss](#)

**Summary:** PVA's analysis is that this bill would exempt eminent domain condemnations for the Amazon data center transmission line from SCC review.

**Status:** Passed House and Senate; awaiting action by the Governor

**SB 1541 - Electricity transmission projects, certain; projects identified by PJM Interconnection LLC.**

**Patron:** [Lewis](#)

**Summary:** PVA's analysis is that this bill would exempt eminent domain condemnations for the Amazon data center transmission line from SCC review.

**Status:** Passed House and Senate; awaiting action by the Governor

**Budget Amendments**

The House and Senate have passed their respective budget bills. Each chamber identifies its amendments to the Governor's Introduced Budget. These amendments are then reconciled in the Budget Conference Committee. Items in the Governor's Introduced Budget which are not amended by either chamber are preserved.

House Budget Highlights

**Department of Historic Resources**

**PRIORITY ITEM:**

Preservation of Architectural Evidence Near James Fort \$500,000

**Other Items of Interest:**

Vietnam War and Foreign Conflicts Museum	\$2,000,000
Weston Manor	\$100,000
Gum Springs Museum and Cultural Center	\$200,000
Greensville County Training School	\$175,000
New Market Battlefield - Land Acquisition	\$3,750,000
Culpeper Battlefield State Park Land Preservation	\$3,000,000
Shenandoah Valley Battlefields National Historic District	\$150,000
Buchanan Theater	\$500,000

Historic Fluvanna County Courthouse	\$307,985
Haller-Gibboney Rock House Museum	\$350,000
Pocahontas Cemetery	\$141,000
Jefferson School African American Heritage Center	\$500,000
Virginia Museum of Transportation	\$500,000

### Senate Budget Highlights

#### **Department of Historic Resources**

Jefferson School African American Heritage Center	\$200,000
Nelson Heritage Center	\$ 200,000
Virginia Battlefield Preservation Fund – New Market Battlefield	\$3,750,000
Virginia Museum of Transportation	\$500,000
Dogwood Veterans Memorial Foundation	\$600,000
Saint Paul’s College Museum and Archives	\$100,000

#### **Fort Monroe Authority**

Marketing Support	(\$211,000)
Operating Support	\$500,000

### **In Congress**

Our colleagues at the [National Trust for Historic Preservation](#) have put together some helpful analysis about the impact of the 2018 mid-term elections and how [you can support the “Historic Tax Credit Enhancement Act.”](#)

Thanks to all who have reached out to Delegates and Senators. You can still contact your legislators. Call and make an appointment to:

- Share information about a recent or upcoming HRTC project in their district and the analysis of impacts from the findings of the [Baker Tilly](#) and [VCU CURA](#) studies.
- Invite your Senator and Delegate to tour an HRTC project or a ribbon cutting—**emphasize the number of jobs generated by the project, revitalization of the area, and number of occupants of the completed building.**
- Email any feedback to Preservation Virginia CEO Elizabeth Kostelny.

