



UPDATED State Legislative Priorities: 2021 Virginia Legislative Session

1. Prohibit the dispensing by food vendors of take-out, prepared food in a single use polystyrene and Styrofoam food containers.

Delegate Betsy Carr (District 69, Richmond) is Chief Patron of HB1902 that passed both houses of the state legislature in in 2020 session. To become law, it must be reauthorized by the 2021 Session of the General Assembly: <https://lis.virginia.gov/cgi-bin/legp604.exe?211+sum+HB1902>

Throwaway Styrofoam containers are made with polystyrene, a petroleum-based plastic, so it is not remotely sustainable. Just like with aluminum foil, Styrofoam does not biodegrade, meaning it just takes up space in landfills or is burned, producing greenhouse gases. There are biodegradable alternatives. Dozens of jurisdictions nationwide have banned single-use Styrofoam food containers. Virginia should join them.

2. Automatically update Virginia's Uniform Statewide Building Code (USBC) to meet international standards in order to increase energy efficiency of residential and commercial buildings.

Senator Jennifer Boysko (District 33, Herndon) is Chief Patron of SB 1224 <https://lis.virginia.gov/cgi-bin/legp604.exe?211+sum+SB1224>. The bill would mandate adoption of [International Energy Conservation Code](#) (IECC) codes within 12 months of publication and mandate local housing authorities implement codes.

Virginia's USBC lags far behind international standards and those of a majority of other states. To limit greenhouse gases (GHGs) and address energy poverty, Virginia needs to update its update the process by which the USBC is adopted. An easy way to do this would be to [emulate Maryland's requirement](#) that new IECC standards be adopted within 12 months of publication.

This is a consequential issue because:

- Buildings consume 52% of Virginia's energy, as reported by the U.S. Energy Information Administration.
- Our homes consume 25% of total energy use, commercial buildings consume 27%.

Every three years, the International Code Council updates construction standards that are used in most states, including Virginia, as the basis for construction codes. The standards include building energy efficiency standards for such things as insulation and the efficiency of heating

and air conditioning systems. The current international standards require homes to be 25% more energy efficient than Virginia's codes. The draft 2021 international standards will require new buildings be at least 10% more efficient than that.

Unfortunately, the current practice for updating Virginia's codes has given Virginia's homebuilders a veto, blocking progress for 12 years. Virginia's weak residential building energy efficiency standards increase operating costs for homebuyers and renters, jeopardize the health and safety of Virginians, needlessly squander energy, and increase GHG emissions.

3. Support a rapid transition to clean and equitable transportation.

There are three bills that would work together to help facilitate more widespread EV adoption, by addressing related goals.

AVAILABILITY: Del. Lamont Bagby's Clean Car bill, HB 1965 (<https://lis.virginia.gov/cgi-bin/legp604.exe?211+sum+HB1965>) will lead manufacturers to send more EVs, and a wider selection of EVs, to Virginia.

- **SUMMARY: State Air Pollution Control Board; low-emissions and zero-emissions vehicle program.** Directs the State Air Pollution Control Board to implement a low-emissions and zero-emissions vehicle program for motor vehicles with a model year of 2025 and later. Regulations adopted by the Board to implement the program are exempt from the Administrative Process Act and shall not become effective prior to January 1, 2024.

AFFORDABILITY: Del. David Reid's EV rebate bill, HB 1979 (<https://lis.virginia.gov/cgi-bin/legp604.exe?211+sum+HB1979>) will make EVs more affordable.

- **SUMMARY: Electric vehicle rebate program; creation and funding; report.** Creates a rebate program for the purchase or lease of new and used electric vehicles, to be administered by the Department of Mines, Minerals and Energy. A purchaser or lessee of an electric vehicle would receive a \$2,500 rebate at the time of purchase, and a purchaser or lessee with an annual household income that does not exceed 300 percent of the federal poverty level would be entitled to an additional \$2,000 rebate. The motor vehicle dealer where the vehicle is purchased or leased would receive a refund for the amount of the rebate and a \$50 incentive payment for each rebate processed. Funds would be allocated from the revenues generated by the sunset of the Virginia Coal Employment and Production Incentive Tax Credit and the Coalfield employment enhancement tax credit and prohibit the allocation of new credits on and after January 1, 2021. The bill also establishes an Electric Vehicle Rebate Advisory Council to oversee the Electric Vehicle Rebate Program and to make recommendations regarding its implementation. The Director of the Department of Mines, Minerals and Energy is required to report annually to the Governor and the General Assembly regarding the Program. The Program will expire on September 1, 2026.

CHARGEABILITY: Sen. Jennifer Boysko’s Transportation Electrification bill, SB 1223 (<https://lis.virginia.gov/cgi-bin/legp604.exe?211+sum+SB1223>) will ensure adequate infrastructure to facilitate the transportation sector reaching a 2045 net-zero carbon target.

- **SUMMARY: Transportation electrification; Virginia Energy Plan.** Amends the Virginia Energy Plan to include an analysis of electric vehicle charging infrastructure and other infrastructure needed to support the 2045 net-zero carbon target in the transportation sector.

Transportation produces almost half of Virginia’s emissions of carbon dioxide, as well as particulate pollution that exacerbates health problems like asthma, especially for communities living near major roads. By contrast, the electricity that powers electric vehicles (EVs) generates only a third as much pollution per mile and will decrease further as the grid gets “greener.” A swift transition to EVs will improve air quality, help combat the climate crisis, reduce health-care expenditures, and remedy the disproportional impact of air pollution on minority and low-income communities, all while helping to boost the Virginia economy.

Decarbonizing transportation will work in concert with the Virginia Clean Economy Act adopted by the 2020 General Assembly, and help to make Virginia a cleaner, healthier, and more prosperous state that is especially attractive to families and businesses.

4.. Establish a Green Bank in Fairfax County to speed the transition to a clean-energy economy and fight climate change.

Delegate Kaye Kory (District 38, Fairfax) is Chief Patron of HB1919 <https://lis.virginia.gov/cgi-bin/legp604.exe?211+sum+HB1919>. The proposed legislation will create an exception to the Dillon Rule that will enable Virginia jurisdictions to create local green banks.

There are 15 Green Banks in the U.S., from Hawaii to Rhode Island, including three in our region: the [DC Green Bank](#), the [Montgomery County Green Bank](#), and the [Climate Access Fund of Baltimore](#). Several different Green Bank models exist, but all facilitate projects in low- to moderate-income (LMI) communities that otherwise might not receive financing.

- Green Banks drive clean energy investment from multiple sources, working with developers, investors, and others to identify projects to finance.
- They are usually not primary lenders, but insure loans made by credit unions or banks. They may also offer loans, leases, and other financing services to close funding gaps.
- They help homeowners, owners of multifamily rentals, small businesses, and renewable energy companies to fund improved energy efficiency and construction of green infrastructure.
- These investments reduce energy burdens, create healthier living and working environments, foster a more resilient economy, and help achieve greenhouse gas (GHG) reduction goals.

Ultimately, Green Banks create jobs, since installing a solar panel or upgrading the efficiency of a building means hiring labor – and most of these jobs do not need advanced degrees. A solar

panel installer or construction worker upgrading the energy efficiency of homes and businesses can be a young person seeking a first job, a laid-off low-income worker, or a person of color looking for a leg up. This directly fits into the County's vision of One Fairfax.

5. Replacement and conservation of trees during development.

It is critical that the Virginia tree code be improved to help stop the loss of tree canopy. A tree code improvement bill for the 2021 General Assembly Session has been developed by the Virginia Conservation Network that FACS supports. Delegate Nancy Guy (District 83, Norfolk/Virginia Beach) is the patron of HB2042 <https://lis.virginia.gov/cgi-bin/legp604.exe?211+sum+HB2042>. The bill asks for changes to Virginia tree code §15.2-961 and §15.2-961.1 that will:

- Allow any locality struggling to achieve air quality standards to adopt more comprehensive tree conservation language.
- No longer require that counties after five years must return unspent tree fund (bank) monies back to the originator/developer.
- Allow local tree conservation ordinances to exceed state code requirements ***IF*** the locality is either:
 - a) dealing with mitigation of sea level rise and recurrent flooding in a Chesapeake Bay Preservation Act area.
 - b) using trees to generate pollution reduction credits to achieve the locality's Municipal Separate Storm Sewer System (MS4) permits.
 - c) dealing with development projects located in previously redlined areas; or
 - d) ensuring conformity with the locality's comprehensive plan.

FACS believes the VCN bill will bring positive changes to the Virginia code for the betterment of tree canopy preservation, and thus deserves statewide support.

Trees remove carbon from the air, improve air quality, reduce stormwater run-off, and moderate summer heat. A healthy, extensive tree canopy can help mitigate the climate crisis and improve the quality of life. Broad swaths of concrete with little tree cover (e.g., transportation corridors, large parking lots near affordable housing) lead to health risks from heat islands, more stormwater flooding, and increased pollution. Increasing the tree canopy can address environmental injustices in affected neighborhoods – and a healthy tree canopy will help increase energy efficiency, a big part of any climate resiliency plan.