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# VIRGINIA STATE BUDGET

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2020 Special Session I

## Budget Bill - HB5005 (Introduced)

Bill Order » Part 4: General Provisions » Effective Date » Item 4-14

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### Item 4-14

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#### § 4-14.00 EFFECTIVE DATE

This act is effective ~~on July 1, 2020~~ *on its passage as provided in § 1-214, Code of Virginia.*

#### ADDITIONAL ENACTMENTS

**23. That the authority and responsibilities of the Secretary of Technology included in the Code of Virginia shall be executed by the Secretary of Administration and the Secretary of Commerce and Trade pursuant to Item 66 and Item 111 of this act. Any authority or responsibilities of the Secretary of Technology not referenced in Item 66 and Item 111 of this act shall be executed by either the Secretary of Administration or the Secretary of Commerce and Trade as determined by the Governor.**

**34. That any authority or responsibilities of the Innovation and Entrepreneurship Investment Authority and the Center for Innovative Technology not referenced in Item 135 of this Act shall be executed by the Virginia Innovation Partnership Authority and the non-profit entity established in legislation to be considered by the 2020 General Assembly.**

**45. That § 16.1-69.48:2 of the Code of Virginia is amended and reenacted as follows:**

#### **§ 16.1-69.48:2. Fees for services of district court judges and clerks and magistrates in civil cases.**

Fees in civil cases for services performed by the judges or clerks of general district courts or magistrates in the event any such services are performed by magistrates in civil cases shall be as provided in this section, and, unless otherwise provided, shall be included in the taxed costs and shall not be refundable, except in case of error or as herein provided.

For all court and magistrate services in each distress, detinue, interrogatory summons, unlawful detainer, civil warrant, notice of motion, garnishment, attachment issued, or other civil proceeding, the fee shall be ~~\$30~~ \$36. No such fee shall be collected (i) in any tax case instituted by any county, city or town or (ii) in any case instituted by a school board for collection of overdue book rental fees. Of the fees collected under this section, \$10 of each such fee collected shall be apportioned to the Courts Technology Fund established under § 17.1-132.

The judge or clerk shall collect the foregoing fee at the time of issuing process. Any magistrate or other issuing officer shall collect the foregoing fee at the time of issuing process, and shall remit the entire fee promptly to the court to which such process is returnable, or to its clerk. When no service of process is had on a defendant named in any civil process other than a notice of motion for judgment, such process may be reissued once by the court or clerk at the court's direction by changing the return day of such process, for which service by the court or clerk there shall be no charge; however, reissuance of such process shall be within three months after the original return day.

The clerk of any district court may charge a fee for making a copy of any paper of record to go out of his office

which is not otherwise specifically provided for. The amount of this fee shall be set in the discretion of the clerk but shall not exceed \$1 for the first two pages and \$.50 for each page thereafter.

The fees prescribed in this section shall be the only fees charged in civil cases for services performed by such judges and clerks, and when the services referred to herein are performed by magistrates such fees shall be the only fees charged by such magistrates for the prescribed services.

**56. a. In anticipation of the collection of taxes and revenues of the Commonwealth, for fiscal years 2021 and 2022, the Treasury Board is hereby authorized, by and with the consent of the Governor, to sell and issue, pursuant to Article X, Section 9 (a)(2) of the Constitution of Virginia, as the case may be, at one time or from time to time, tax and revenue anticipation notes ("9(a)(2) Notes") of the Commonwealth, including 9(a)(2) Notes issued as commercial paper. The proceeds of such 9(a)(2) Notes, excluding amounts needed to fund issuance costs, reserve funds, and other financing expenses, shall be used exclusively for the purpose of providing funds, together with any other available funds, to help manage the cash flow impact of actual or potential reductions of tax and other revenues or increases in expenses related to or resulting from the COVID-19 pandemic, and including the payment of operating expenses incurred or to be incurred in anticipation of the collection of taxes and revenues by the Commonwealth.**

**b. In addition, in anticipation of the collection of taxes and revenues of the Commonwealth, and its counties, cities and towns, for fiscal years 2021 and 2022, the Treasury Board is hereby authorized, by and with the consent of the Governor, to sell and issue, pursuant to Article X, Section 9 (d) of the Constitution of Virginia, as the case may be, at one time or from time to time, tax and revenue anticipation notes of the Commonwealth ("9(d) Notes" and together with the 9(a)(2) Notes authorized in the foregoing paragraph, "Notes")), including 9(d) Notes issued as commercial paper. The proceeds of such 9(d) Notes, excluding amounts needed to fund issuance costs, reserve funds, and other financing expenses, shall be used exclusively for the purpose of providing funds, together with any other available funds, to help manage the cash flow impact of actual or potential reductions of tax and other revenues or increases in expenses related to or resulting from the COVID-19 pandemic, and including the payment of operating expenses incurred or to be incurred in anticipation of the collection of taxes and revenues by the Commonwealth and its counties, cities and towns, and to purchase or acquire similar notes issued by, or otherwise to assist, cities, counties and towns of the Commonwealth for such purpose. The Governor is authorized to select the counties, cities and towns to participate in the undertakings authorized hereunder and direct the distribution of 9(d) Note proceeds to the particular counties, cities and town, and shall, after consultation with all interested parties, develop a guidance document governing eligibility and priority criteria.**

**c. The Treasury Board is authorized to issue Notes hereunder in an aggregate principal amount not exceeding \$500,000,000 for the benefit of the Commonwealth and in an aggregate principal amount not exceeding \$250,000,000 for the benefit of counties, cities and towns, plus in either case amounts needed to fund issuance costs, reserve funds, capitalized interest, and other financing expenses.**

**d. 9(a)(2) Notes shall mature at such time or times within twelve months from their date or dates, and 9(d) Notes shall mature at such time or times not exceeding two years from their date or dates.**

**e. The full faith and credit of the Commonwealth shall be pledged to any 9(a)(2) Notes issued under the provisions of this Item. 9(d) Notes issued under the provisions of this item shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the full faith and credit of the Commonwealth, but such obligations shall be payable solely, subject to appropriation by the General Assembly, from amounts appropriated from time to time by the General Assembly and from amounts paid by counties, cities and towns that issue bonds, notes or obligations with respect to this Item. There is hereby appropriated a sum sufficient to the Treasury Board for the purpose of paying the debt service on the Notes.**

f. The Virginia Resources Authority is authorized to purchase and acquire through proceeds of 9(d) Notes bonds, notes or obligations of counties, cities and towns of the Commonwealth issued for the purposes authorized hereunder and establish the interest rates and repayment terms of such bonds, notes or obligations in accordance with a memorandum of agreement with the Treasury Board and the Authority shall recover its reasonable costs and expenses for doing so from the proceeds of such Notes and for its role in the administration and management of such proceeds.

g. Each county, city, and town is hereby authorized to issue bonds, notes or obligations for the purposes set forth in paragraph (b) above. The authority of any county, city, and town to contract and to issue bonds, notes or obligations pursuant to such authorization is in addition to any existing authority to contract and issue bonds, notes or obligations, anything in the laws of the Commonwealth, including any local charter, to the contrary notwithstanding. The provisions of Virginia Code § 15.2-2659 and § 62.1-216.1 shall apply, mutatis mutandis, with respect to any bond, note or obligation issued by a county, city or town hereunder.

h. The proceeds, including any premium, of the Notes shall be deposited in a special account in the state treasury and, together with the investment income thereon, shall be disbursed by the State Treasurer from time to time for paying all or any part of the expenses or undertakings as set forth in paragraphs (a) and (b) above. The Notes shall be dated and may be made redeemable before their maturity or maturities at such price or prices or within such price parameters, all as may be determined by the Treasury Board, by and with the consent of the Governor, and shall be in such form, shall bear interest at such rate or rates, either at fixed rates or at rates established by formula or other method, and may contain such other provisions, all as determined by the Treasury Board or, when authorized by the Treasury Board, the State Treasurer. The principal of and premium, if any, and the interest on Notes shall be payable in lawful money of the United States of America. Notes may be certificated or uncertificated as determined by the Treasury Board. The Treasury Board may contract for services of such registrars, transfer agents, or other authenticating agents as it deems appropriate to maintain a record of the persons entitled to the Notes. Notes issued in certificated form may be issued under a system of book entry for recording the ownership and transfer of ownership of rights to receive payments on the Notes. The Treasury Board shall fix the authorized denomination or denominations of the Notes and the place or places of payment of certificated Notes, which may be at the Office of the State Treasurer or at any bank or trust company within or without the Commonwealth. The Treasury Board may sell Notes in such manner, by competitive bidding, negotiated sale, or private placement with private lenders or governmental agencies, and for such price or within such price parameters as it may determine, by and with the consent of the Governor, to be in the best interest of the Commonwealth. In the discretion of the Treasury Board, Notes may be issued at one time or from time to time. Certificated Notes shall be signed on behalf of the Commonwealth by the Governor and by the State Treasurer, or shall bear their facsimile signatures, and shall bear the lesser seal of the Commonwealth or a facsimile thereof. If the Notes bear the facsimile signature of the State Treasurer, they shall be signed by such administrative assistant as the State Treasurer shall determine or by such registrar or paying agent as may be designated to sign them by the Treasury Board. If any officer whose signature or facsimile signature appears on any Notes ceases to be such officer before delivery, such signature or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery, and any Note may bear the facsimile signature of, or may be signed by, such persons as at the actual time of execution are the proper officers to sign such Note, although at the date of such Note, such persons may not have been such officers.

i. The Treasury Board is authorized to create debt service and sinking funds for the payments of the principal of, premium, if any, and interest on the Notes and other funds or reserves desirable or required by any purchaser. Pending the application of the proceeds of the Notes to the purpose for which they have been authorized and the application of funds set aside for the purpose to the payment of Notes, they may be invested by the State Treasurer in securities that are legal investments under the laws of the

Commonwealth for public funds and sinking funds, as the case may be. Whenever the State Treasurer receives interest from the investment of the proceeds of Notes, such interest shall become a part of the principal of the Notes and shall be used in the same manner as required for principal of the Notes.

*7. a. Notwithstanding any other provision of law, upon the declaration by the Governor of a state of emergency pursuant to § 44-146.17 of the Code of Virginia in response to a communicable disease of public health threat as defined in § 44-146.16 of the Code of Virginia, electric companies, natural gas suppliers, and water service providers (“utilities”) are prohibited from disconnecting service for non-payment of bills or fees until at least 60 days after such declared state of emergency ends. The following provisions shall apply:*

*1.) The utilities shall notify all customers of this extension of the utility disconnection moratorium and the COVID Relief Repayment Plan (Repayment Plan); and*

*2.) The customer must provide documentation to the utilities that they have experienced a financial hardship resulting directly or indirectly from the public health emergency or the customer must provide documentation to the utilities that they have experienced a hardship to pay during the public health emergency; and*

*3.) The utilities and customers shall agree in writing to engage in a Repayment Plan.*

*b. No more than 60 days after the enactment of this Act, electric companies, natural gas suppliers, and water service providers (“utilities”) must offer customers the right to enter into a Repayment Plan for past due accounts. The following provisions shall apply:*

*1.) The Repayment Plan shall not require down payments, fees, or penalties;*

*2.) The Repayment Plan shall amortize the repayment over at least 12 months;*

*3.) The utilities shall not apply eligibility criteria, such as installment plan history, and customers shall be able to enroll in the extended repayment plan with no deposit or payment down; and*

*4.) The utilities shall not report anything to credit bureaus or other debt collectors on payments owed while on the COVID Relief Repayment Plan.*

*8. a. No landlord shall terminate a tenancy, or take any action to obtain possession of a dwelling unit, for any reason other than those constituting a criminal or willful act posing a threat to health or safety pursuant to subsection C of § 55.1-1245 of the Code of Virginia until after April 30, 2021. Landlords shall notify all tenants of this moratorium and the availability, terms, and application process for the COVID-19 Housing Payment Plan (Payment Plan);*

*b. Within 60 days upon enactment of this Act, landlords must offer tenants the right to enter into a Payment Plan for past due accounts. The Payment Plan must include the following provisions:*

*1.) The Payment Plan must include monthly payments that amortize the principal over a period of time not less than 12 months, or if less than 12 months remains on the lease agreement, that amortize the principal equally over the remainder of the lease agreement;*

*2.) The tenant must provide documentation to the landlord that they have experienced a financial hardship resulting directly or indirectly from the public health emergency or the tenant must provide documentation to the landlord that they have experienced a hardship to pay during the public health emergency;*

*3.) Landlords and tenants shall agree in writing to engage in a Payment Plan;*

*4.) The landlord must take all reasonable steps to cooperate with the tenant's efforts to secure rental assistance funds or other subsidies or benefits that could pay down or retire the COVID-19 arrearage;*

*5.) The Payment Plan must include the statement that the Payment Plan is not part of the ongoing rental agreement between the tenant and landlord, and a tenant's noncompliance with the plan does not constitute a breach of the rental agreement;*

*6.) The Payment Plan does not purport to waive any of the tenant's rights or protections existing apart from the Payment Plan;*

*7.) The tenant shall be able to enroll in the Payment Plan with no deposit or down payment and no late fees will be imposed on the Payment Plan debt; and*

*8.) There shall not be reporting to credit bureaus or other debt collectors on delinquent rent while the tenant is on the Payment Plan.*

*c. Notwithstanding Paragraph a. above, during the public health emergency, a landlord cannot terminate a tenancy, or take any action to obtain possession of a dwelling unit, unless they can demonstrate an agreed Payment Plan in writing was in place and the tenant failed to comply with the agreement. If the tenant refuses to enter into a mutually agreed Payment Plan and there is no Payment Plan in place, the landlord may terminate a tenancy or take action to obtain possession of a dwelling unit if they demonstrate they (a) made reasonable efforts to enter into a written Payment Plan, and (b) made reasonable efforts to secure rental assistance funds or other subsidies or benefits that could pay down or retire the arrearage. Reasonable effort means written documentation that the landlord provided the availability, terms, and application for the Payment Plan to the tenant, considered the tenant's financial circumstances, and established a repayment schedule that would result in repayment of the amount owing within the time period provided in Paragraph b.1.) above, and offered information on rental assistance programs for the tenant and offered to work with the tenant to submit an application for rental assistance.*

*d. Nothing in this Enactment shall be construed to limit the landlord from filing an unlawful detainer for a non-rent violation against the tenant while such tenant is participating in a payment plan agreement.*

**69.** That the provisions of the first, second, third, fourth, ~~and fifth~~ sixth, seventh, and eighth enactments of this act shall expire at midnight on June 30, 2022.

**710. That the provisions of the ~~fourth~~ *fifth* enactment of this act shall have no expiration date.**