

HELP US OPPOSE SB 304

We need you to post comments on this bill ASAP, ideally by the afternoon of Wednesday 2/21, because it could come up in subcommittee as early as this Thursday 2/22 at 7am.

Go to <https://lis.virginia.gov/cgi-bin/legp604.exe?241+com+H07>, click on “Comments on bills” and scroll down to SB 304 near the bottom of the list of bills.

Note that our Delegate Anne Ferrell Tata confirmed to Andy Cohen today that she will vote against this bill.

Feel free to adapt in your own words the points below that Andy used in his post at that link earlier today:

I oppose SB 304 as amended because it pre-empts local authority on both ADUs AND STRs, and is unreasonably vague in doing so.

1) This bill pre-empts localities from managing density and safety zones such as those around Oceana Naval Air Station and limits the requirements that localities can impose on ADUs and potentially also on STRs.

2) Paragraph H exempts local ordinances that were enacted prior to 7/1/2025, but ONLY for “an ADU ordinance that substantially complies with this section”. This could invalidate ANY prior ordinance that does not “substantially comply” with this new code section, retroactively pre-empting such ordinances.

3) The new reference to Short-Term Rentals at the end of paragraph H, which is the ONLY reference to STRs in this entire new code section, is exceedingly vague in whether or how it should apply to STRs.

This bill needs further study, such as by continuing it to 2025 and asking the Housing Commission to study it, just like the House Committee on Counties, Cities and Towns did with the (originally) very similar HB900. Please do not advance this bill.

Background:

Brent McKenzie, VB Legislative Affairs, contacted Andy Cohen on 2/20 to ask if we still oppose SB 304. We are renewing our objections and requesting your assistance based on his explanation of how it pre-empts local authority on both ADUs AND STRs and includes vague language that could undermine our existing ordinances.

The full text as initially filed and amended (“02/09/24 Senate: Printed as reengrossed...”) and the legislative history for this bill is available at <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=241&typ=bil&val=sb304>