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# HOUSE JOINT RESOLUTION NO. 195

Offered January 9, 2008

*Establishing a joint subcommittee to study transfer of development rights. Report.*

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Patron-- Lohr

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Referred to Committee on Rules

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WHEREAS, during the 2006 Session, the General Assembly passed legislation that created a program to allow for the transfer of development rights (TDR); and

WHEREAS, a successful TDR program has the potential for tremendous benefit to the Commonwealth and its localities by preserving open space, encouraging new development in areas best equipped to handle such growth, and providing compensation to farmers who participate in such program; and

WHEREAS, since enactment of the TDR legislation, no locality in Virginia has taken advantage of the opportunity to enact a TDR ordinance; and

WHEREAS, it may be useful to review the current state of the Commonwealth's TDR statutes to determine why localities are not using it and how to encourage the use of this valuable tool; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study transfer of development rights. The joint subcommittee shall have a total membership of nine members that shall consist of six legislative members and three nonlegislative citizen members. Members shall be appointed as follows: four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two members of the Senate to be appointed by the Senate Committee on Rules; two nonlegislative citizen members to be appointed by the Speaker of the House of Delegates; and one nonlegislative citizen member to be appointed by the Senate Committee on Rules. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the

purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall examine ways in which the existing TDR legislation may be modified to make it more appealing to localities. Specifically, the joint subcommittee shall examine (i) the establishment of a bank of credits that can be sold in advance of a developer needing to purchase them for a rezoning, (ii) incentives for farmers to purchase additional farmland with the money they receive from selling development credits, (iii) the specific benefits developers would gain by participating in the TDR program, and (iv) the use of a statewide system of development credits.

Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2008 interim, and the direct costs of this study shall not exceed $7,200 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings by November 30, 2008, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2009 Regular Session of the General Assembly. The executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and the report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this

study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2008 interim.

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**Legislative Information System**