

# Commission on Local Government

## Estimate of Local Fiscal Impact

2022 General Assembly Session

**Bill:** HB 616

**Special Session:**

**Patron:** Roem

**Date:** 1/21/2022

In accordance with the provisions of §30-19.03 of the Code of Virginia, the staff of the Commission on Local Government offers the following analysis of the above-referenced legislation:

### Bill Summary:

Board of zoning appeals; funding. Requires a local governing body to appropriate such funds as necessary so that its board of zoning appeals (BZA) may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Existing law allows such BZA expenditures "within the limits of funds appropriated by the governing body."

### Executive Summary:

Localities have evaluated a negative fiscal impact ranging from \$0 - \$0.2 million.

Some localities reported that the bill would produce no fiscal impact, as their locality already complies with the requirements in the bill. Localities which did evaluate a negative fiscal impact indicated that the costs would stem from the potential increases in staffing needed for their Board of Zoning Appeals (BZAs).

Several localities reported an unknown, but potentially significant, fiscal impact as the bill requires for the locality to appropriate a sum sufficient to meet the needs of the BZA. Some localities with small populations noted that their BZAs heard low case volumes, and as such, do not require support or that those support operations could be performed by other existing staff members.

### Local Analysis:

**Locality:** Amherst

**Estimated Fiscal Impact:** \$1,000.00

We do not have many instances of BZA having to be engaged.

**Locality:** Augusta County

**Estimated Fiscal Impact:** \$0.00

The County already appropriates funds necessary for the BZA to have a secretary (member of Community Development - Administrative Assistant), clerk (member of Community Development - Zoning Administrator), and legal counsel (County Attorney). If special items required a consultant, the County would consider that also. This bill would force additional appropriations, IF a BZA warranted them? Localities are already appropriating funds for these items, not sure why this bill is needed.

**Locality:** City of Alexandria..

**Estimated Fiscal Impact:** \$142,000.00

Please note that fiscal impact is NOT \$142,000, it is an example of what the total added salary and benefits cost of 2.00 FTE clerks would be to the City. It is not currently possible to estimate what the BZA might request. This proposed bill could have a significant fiscal impact, depending on what the BZA might request. As written, this proposed bill states that the City would have to accommodate whatever a BZA requests within its budget as opposed to allocating budget to the BZA as is current policy. It is not known what the fiscal impact is at this time. From a budgeting perspective, the City would have concerns that anything the BZA might request would have to be accommodated within our budget to the potential detriment of other funding priorities.

**Locality:** City of Danville

**Estimated Fiscal Impact:** \$0.00

Danville Board of Zoning Appeals utilizes city staff to for clerical or administrative issues. Legal counsel would be contracted if needed.

**Locality:** City of Manassas

**Estimated Fiscal Impact:** \$0.00

The City of Manassas already provides this funding. There is no fiscal impact.

**Locality:** City of Roanoke

**Estimated Fiscal Impact:** \$0.00

This bill would have zero fiscal impact as Roanoke City already employs professional staffing to the BZA.

**Locality:** City of Winchester

**Estimated Fiscal Impact:** \$6,000.00

This is for potentially 20 hours a year for legal counsel (around 20 hours if needed).

**Locality:** County of Albemarle

**Estimated Fiscal Impact:** \$75,000.00

Albemarle County currently provides its BZA with ordinary operating expenditures; typically \$10,000 or less. Should more technical and professional services be required, this amount would greatly increase. Estimated services would be \$75,000.

**Locality:** County of Bland

**Estimated Fiscal Impact:** \$0.00

It is undetermined what the final fiscal impact would be to a locality should this bill be adopted.

**Locality:** County of Mecklenburg

**Estimated Fiscal Impact:** \$0.00

The County's Board of Zoning Appeals meets rather infrequently, on average, three to four time a year, and does not require standalone or dedicated staff. Thus, even if empowered, there will not be a need for such powers as granted by this bill to be exercised in smaller jurisdictions. This bill is better suited to be applied only to larger localities.

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**Locality:** Montgomery County

**Estimated Fiscal Impact:** \$0.00

This bill as written would not have any increased financial impacts for the County. We already are obligated and prepared to provide the services outlined.

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**Locality:** Prince George County

**Estimated Fiscal Impact:** \$0.00

Prince George County considers and budgets for the needs of the BZA within our Planning Department's Budget. We provide internal clerical support, and cover the costs of any needed legal counsel and consultants.

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**Locality:** Rappahannock County

**Estimated Fiscal Impact:** \$200,000.00

As with all other local appropriations, they should be carefully contemplated after request, consideration, and hearing from the public. A BZA could determine that it is "necessary" for them to hire a full time staff attorney, full time secretary, and others . Just the two noted positions could easily cost \$200,000 per year.

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**Locality:** Richmond County

**Estimated Fiscal Impact:** \$1,000.00

I am assuming the purpose of this would be to get the local government employees, that are actively working the BZA case, to be removed from the case so that it may be truly impartial.

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**Locality:** Smyth County

**Estimated Fiscal Impact:** \$50,000.00

. For rural communities, our BZA is not very active and to give an entity that is governed under the judicial system, and not the County Administration, the ability to make the decision to have its own staff may have unintended consequences. In our county, we average 1 BZA case per year.

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**Locality:** Town of Blacksburg

**Estimated Fiscal Impact:** \$0.00

The Town pays our BZA per meeting attended and all the above services are currently provided to BZA members by Town staff. Any legal counsel, consultant or other technical services would be hired and charged to the professional services appropriation for the Planning Department.

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**Locality:** Town of Christiansburg

**Estimated Fiscal Impact:** \$0.00

The Town of Christiansburg currently funds our Board of Zoning Appeals at \$1,000 in the Fiscal Year 2021-22 Budget. Town staff has handled advertisement and notifications and I assume that this will continue as they typically only meet a couple of times per year.

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**Locality:** Town of Leesburg

**Estimated Fiscal Impact:** \$5,000.00

Would require Zoning text amendments, Public Hearing advertisements and some minor consulting services.

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**Locality:** Town of Luray

**Estimated Fiscal Impact:** \$50,000.00

Our Town currently provides training through our Town Attorney.

If the Commonwealth develops a standard training curriculum, individual localities could facilitate its review.

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**Locality:** Town of Marion.

**Estimated Fiscal Impact:** \$0.00

Already in place

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**Locality:** Town of Scottsville

**Estimated Fiscal Impact:** \$500.00

Scottsville is perhaps a typical small town in having a BZA in a kind of hibernation. Members are appointed in good standing, meet quarterly to check in, but have not heard an appeals case in many years. At present, their expenses are negligible and are absorbed in the Town's administration budget.

To comply with this bill, the Town would set a budget line item specifically for the BZA, with provision for clerical work, mailing expenses, and such. The full amount might not be used in a year of hibernation.

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**Locality:** Town of Victoria

**Estimated Fiscal Impact:** \$5,000.00

Significant fiscal impact for small municipalities.

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**Locality:** Wise County

**Estimated Fiscal Impact:** \$0.00

Wise County already provides these services

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**Professional and Other Organization  
Analysis:**

**Organization:** PDC

This may create a circumstance where the locality is required to fund positions that are duplicative of existing positions/personnel who could support the BZA. FTE to perform needed services at minimum \$45k (with benefits: \$60k) to provide competitive compensation for the needed competency. this is an annual, compounding cost.

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