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1 **HOUSE BILL NO. 804**

2 Offered January 14, 2026

3 Prefiled January 13, 2026

4 *A BILL to amend and reenact §§ 15.2-2309 and 36-139 of the Code of Virginia and to amend the Code of*  
5 *Virginia by adding in Article 1 of Chapter 22 of Title 15.2 a section numbered 15.2-2209.4, relating to*  
6 *statewide housing targets for localities.*

7 Patron—Helmer

8 Committee Referral Pending

9 **Be it enacted by the General Assembly of Virginia:**10 **1. That §§ 15.2-2309 and 36-139 of the Code of Virginia are amended and reenacted and that the Code**  
11 **of Virginia is amended by adding in Article 1 of Chapter 22 of Title 15.2 a section numbered**  
12 **15.2-2209.4 as follows:**13 **§ 15.2-2209.4. Statewide housing targets for localities.**14 *A. The provisions of this section shall apply to every locality that has adopted a zoning ordinance*  
15 *pursuant to Article 7 (§ 15.2-2280 et seq.), but shall not apply to any locality that has had at least 7.5 percent*  
16 *growth in its total housing stock from January 1, 2020, to January 1, 2025, for so long as such locality does*  
17 *not drop below one percent annual growth in subsequent years. The calculation of such subsequent growth*  
18 *shall include the extra weight for increases in affordable housing and housing rehabilitation pursuant to*  
19 *subdivision 33 of § 36-139.*20 *B. For a five-year period beginning January 1, 2028, each locality is required to increase its total housing*  
21 *stock by an average of 1.5 percent growth per year for five consecutive years in order to meet the total 7.5*  
22 *percent growth target. Each locality shall develop a housing growth plan by July 1, 2027, that best meets the*  
23 *needs of the locality while meeting the target growth rates. When completed, each locality shall submit such*  
24 *housing growth plan to the Department of Housing and Community Development and make the plan publicly*  
25 *accessible. Such plan may include any strategy deemed appropriate by the locality; however, for purposes of*  
26 *demonstrating a good faith effort to meet growth targets pursuant to subsection C, a locality shall include*  
27 *modeling that demonstrates that the plan will result in the permitting of the required number of units and*  
28 *either (i) a zoning ordinance that includes provisions allowing for the by-right development and construction*  
29 *of multifamily residential uses on at least 75 percent of all land contained in commercial or business zoning*  
30 *district classifications, including any land contained in commercial or business zoning district classifications*  
31 *that allow for the by-right development and construction of single-family residential uses or (ii) at least three*  
32 *of the following housing growth strategies, submitted to and made available to the public by the Department*  
33 *of Housing and Community Development:*34 *1. Eliminate minimum lot size requirements for new housing developments on commercial, industrial, or*  
35 *undeveloped residential parcels.*36 *2. Eliminate off-street parking requirements for new housing developments on commercial, industrial, or*  
37 *undeveloped residential parcels.*38 *3. Increase building height limits for multifamily housing in one or more districts zoned for multifamily*  
39 *housing.*40 *4. Reduce the median time to receive final approval for site plans and rezonings combined for new single-*  
41 *family and multifamily housing developments to 180 days and for new affordable housing developments to*  
42 *120 days.*43 *5. Modify zoning ordinances to allow for accessory dwelling units and high-density housing, including*  
44 *multifamily units such as apartments and condominiums, on land previously zoned for single-family use,*  
45 *including all land use changes necessary to make for feasible construction of accessory dwelling units.*46 *6. Rezone all commercial and undeveloped residential parcels to allow for residential development near*  
47 *transit stations, places of employment, higher education facilities, and other appropriate population centers.*48 *7. Rezone office parks and strip malls to permit high-density single-family and multifamily housing*  
49 *developments.*50 *8. Create and fund an affordable housing trust fund to provide grant subsidies to for-profit and nonprofit*  
51 *developers for the purpose of building single-family and multifamily housing priced at rates affordable to*  
52 *households earning below 80 percent of the area median income.*53 *C. 1. After July 1, 2027, a developer or an organization whose mission is to advocate for increased*  
54 *residential development may appeal to the board of zoning appeals if the petitioner believes that a locality's*  
55 *housing growth plan does not meet the requirements of this section. Appeals filed pursuant to this subdivision*  
56 *may be filed any time prior to January 1, 2033, in accordance with general law. If the board of zoning*

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59     appeals determines that such housing growth plan does not meet the requirements of this section, the board  
60     of zoning appeals can declare the locality to be noncompliant and force the locality to take corrective action.  
61     Decisions of the board of zoning appeals may be appealed to the circuit court in accordance with general  
62     law.

63     2. After January 1, 2033, (i) an applicant that seeks local government approval for a residential  
64     development site plan or rezoning that will increase the number of dwelling units in a locality and has that  
65     application rejected, either by a vote of the governing body or otherwise; or (ii) a potential resident of such  
66     residential development or an organization whose mission is to advocate for such residential developments,  
67     may, in addition to other remedies, appeal such decision to the board of zoning appeals. Such appeals shall  
68     be filed within 30 days in accordance with general law; however, appeals filed pursuant to this subdivision  
69     may be filed after January 1, 2033, for a plan or rezoning that was rejected between 2028 and 2033. The  
70     board of zoning appeals shall have authority to require localities that have not already implemented  
71     provisions allowing for the by-right development and construction of multifamily residential uses on at least  
72     75 percent of all land contained in commercial or business zoning district classifications to implement such  
73     requirement if it finds that (a) the locality has failed to meet the required growth target as established in  
74     subsection B, (b) the locality chose to implement three of the growth strategies listed in clause (ii) of  
75     subsection B rather than the by-right multifamily residential measure described in clause (i) of subsection B,  
76     and (c) the required implementation of the by-right multifamily residential measure will not pose a significant  
77     health or safety concern. The board of zoning appeals shall have the authority to overturn the local decision  
78     and approve such application for localities that chose to implement the by-right multifamily development  
79     requirement if it finds that (1) the locality has failed to meet the required growth target as established in  
80     subsection B, (2) the locality did not in good faith implement the by-right multifamily development ordinance,  
81     (3) the locality rejected or delayed more than 25 percent of proposed projects, and (4) approval of the  
82     application will not pose a significant health or safety concern.

83     However, if the board of zoning appeals determines that a locality has failed to meet a required growth  
84     target but has in good faith implemented either the by-right multifamily residential ordinance as described in  
85     clause (i) of subsection B, or at least three of the housing growth strategies in clause (ii) of subsection B, and  
86     has not rejected or delayed beyond a reasonable time period, not to exceed 12 months from the time an initial  
87     application is filed, more than 25 percent of the proposals for new housing development that have come  
88     before the local governing body in the previous five years, the board of zoning appeals shall not overturn the  
89     local decision.

90     No provision of this section shall be construed as granting any board of zoning appeals the power to base  
91     its decisions on the merits of the purpose and intent of local ordinances duly adopted by the governing body  
92     or to take any action regarding the zoning classification of property beyond what is specifically authorized by  
93     this section. Decisions of the board of zoning appeals may be appealed to the circuit court in accordance  
94     with general law.

95     3. The Department of Housing and Community Development, no later than July 1, 2027, shall develop  
96     and publish standards to guide a board of zoning appeals in its decision-making process for appeals filed  
97     pursuant to this subsection.

98     D. Any locality that has had at least 7.5 percent growth in its total housing stock from January 1, 2020, to  
99     January 1, 2025, or that increases its total housing stock by an average of 1.5 percent growth per year for  
100     five consecutive years beginning on January 1, 2028, in order to meet the total 7.5 percent growth target,  
101     may impose enhanced civil penalties for failure to register a vacant building pursuant to § 15.2-1127. Such  
102     enhanced civil penalties shall not exceed twice the amount that would otherwise be permitted.

### 103     § 15.2-2309. Powers and duties of boards of zoning appeals.

104     Boards of zoning appeals shall have the following powers and duties:

105     1. To hear and decide appeals from any order, requirement, decision, or determination made by an  
106     administrative officer in the administration or enforcement of this article or of any ordinance adopted  
107     pursuant thereto. The decision on such appeal shall be based on the board's judgment of whether the  
108     administrative officer was correct. The determination of the administrative officer shall be presumed to be  
109     correct. At a hearing on an appeal, the administrative officer shall explain the basis for his determination after  
110     which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of  
111     the evidence. Altering the order of evidence is a reversible error only if the appellant lodges an objection  
112     citing this section and the board subsequently refuses to reorder the hearing. The board shall consider any  
113     applicable ordinances, laws, and regulations in making its decision. For purposes of this section,  
114     determination means any order, requirement, decision, or determination made by an administrative officer.  
115     Any appeal of a determination to the board shall be in compliance with this section, notwithstanding any  
116     other provision of law, general or special.

117     2. Notwithstanding any other provision of law, general or special, to grant upon appeal or original  
118     application in specific cases a variance as defined in § 15.2-2201, provided that the burden of proof shall be  
119     on the applicant for a variance to prove by a preponderance of the evidence that his application meets the  
120     standard for a variance as defined in § 15.2-2201 and the criteria set out in this section.

121 Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence  
 122 shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of  
 123 the property or that the granting of the variance would alleviate a hardship due to a physical condition  
 124 relating to the property or improvements thereon at the time of the effective date of the ordinance, or alleviate  
 125 a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on  
 126 behalf of, a person with a disability, and (i) the property interest for which the variance is being requested  
 127 was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the  
 128 granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the  
 129 proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so  
 130 general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be  
 131 adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not  
 132 otherwise permitted on such property or a change in the zoning classification of the property; and (v) the  
 133 relief or remedy sought by the variance application is not available through a special exception process that is  
 134 authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a  
 135 zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance  
 136 application. Any variance granted to provide a reasonable modification to a property or improvements  
 137 thereon requested by, or on behalf of, a person with a disability may expire when the person benefited by it is  
 138 no longer in need of the modification to such property or improvements provided by the variance, subject to  
 139 the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42  
 140 U.S.C. § 12131 et seq.), as applicable. If a request for a reasonable modification is made to a locality and is  
 141 appropriate under the provisions of state and federal fair housing laws, or the Americans with Disabilities Act  
 142 of 1990 (42 U.S.C. § 12131 et seq.), as applicable, such request shall be granted by the locality unless a  
 143 variance from the board of zoning appeals under this section is required in order for such request to be  
 144 granted.

145 No variance shall be considered except after notice and hearing as required by § 15.2-2204. However,  
 146 when giving any required notice to the owners, their agents or the occupants of abutting property and  
 147 property immediately across the street or road from the property affected, the board may give such notice by  
 148 first-class mail rather than by registered or certified mail.

149 In granting a variance, the board may impose such conditions regarding the location, character, and other  
 150 features of the proposed structure or use as it may deem necessary in the public interest and may require a  
 151 guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.  
 152 Notwithstanding any other provision of law, general or special, the property upon which a property owner has  
 153 been granted a variance shall be treated as conforming for all purposes under state law and local ordinance;  
 154 however, the structure permitted by the variance may not be expanded unless the expansion is within an area  
 155 of the site or part of the structure for which no variance is required under the ordinance. Where the expansion  
 156 is proposed within an area of the site or part of the structure for which a variance is required, the approval of  
 157 an additional variance shall be required.

158 3. To hear and decide appeals from the decision of the zoning administrator after notice and hearing as  
 159 provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the  
 160 occupants of abutting property and property immediately across the street or road from the property affected,  
 161 the board may give such notice by first-class mail rather than by registered or certified mail.

162 4. To hear and decide applications for interpretation of the district map where there is any uncertainty as  
 163 to the location of a district boundary. After notice to the owners of the property affected by the question, and  
 164 after public hearing with notice as required by § 15.2-2204, the board may interpret the map in such way as to  
 165 carry out the intent and purpose of the ordinance for the particular section or district in question. However,  
 166 when giving any required notice to the owners, their agents or the occupants of abutting property and  
 167 property immediately across the street or road from the property affected, the board may give such notice by  
 168 first-class mail rather than by registered or certified mail. The board shall not have the power to change  
 169 substantially the locations of district boundaries as established by ordinance.

170 5. No provision of this section shall be construed as granting any board the power to rezone property or to  
 171 base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the  
 172 governing body.

173 6. To hear and decide applications for special exceptions as may be authorized in the ordinance. The  
 174 board may impose such conditions relating to the use for which a permit is granted as it may deem necessary  
 175 in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to  
 176 ensure that the conditions imposed are being and will continue to be complied with.

177 No special exception may be granted except after notice and hearing as provided by § 15.2-2204.  
 178 However, when giving any required notice to the owners, their agents or the occupants of abutting property  
 179 and property immediately across the street or road from the property affected, the board may give such notice  
 180 by first-class mail rather than by registered or certified mail.

181 7. To revoke a special exception previously granted by the board of zoning appeals if the board  
 182 determines that there has not been compliance with the terms or conditions of the permit. No special

183 exception may be revoked except after notice and hearing as provided by § 15.2-2204. However, when giving  
184 any required notice to the owners, their agents or the occupants of abutting property and property  
185 immediately across the street or road from the property affected, the board may give such notice by first-class  
186 mail rather than by registered or certified mail. If a governing body reserves unto itself the right to issue  
187 special exceptions pursuant to § 15.2-2286, and, if the governing body determines that there has not been  
188 compliance with the terms and conditions of the permit, then it may also revoke special exceptions in the  
189 manner provided by this subdivision.

190 *8. Notwithstanding any other provision of law, general or special, to hear and decide appeals filed  
191 pursuant to subsection C of § 15.2-2209.4 related to housing targets. The decision of the board of zoning  
192 appeals shall be based on the criteria set out in § 15.2-2209.4 and shall conform to any criteria or  
193 regulations established by the Department of Housing and Community Development pursuant to subdivision  
194 33 of § 36-139.*

195 9. The board by resolution may fix a schedule of regular meetings, and may also fix the day or days to  
196 which any meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to act, finds  
197 and declares that weather or other conditions are such that it is hazardous for members to attend the meeting.  
198 Such finding shall be communicated to the members and the press as promptly as possible. All hearings and  
199 other matters previously advertised for such meeting in accordance with § 15.2-2312 shall be conducted at  
200 the continued meeting and no further advertisement is required.

201 **§ 36-139. Powers and duties of Director.**

202 The Director of the Department of Housing and Community Development shall have the following  
203 responsibilities:

204 1. Collecting from the governmental subdivisions of the Commonwealth information relevant to their  
205 planning and development activities, boundary changes, changes of forms and status of government,  
206 intergovernmental agreements and arrangements, and such other information as he may deem necessary.

207 2. Making information available to communities, planning district commissions, service districts and  
208 governmental subdivisions of the Commonwealth.

209 3. Providing professional and technical assistance to, and cooperating with, any planning agency, planning  
210 district commission, service district, and governmental subdivision engaged in the preparation of  
211 development plans and programs, service district plans, or consolidation agreements.

212 4. Assisting the Governor in the providing of such state financial aid as may be appropriated by the  
213 General Assembly in accordance with § 15.2-4216.

214 5. Administering federal grant assistance programs, including funds from the Appalachian Regional  
215 Commission, the Economic Development Administration and other such federal agencies, directed at  
216 promoting the development of the Commonwealth's communities and regions.

217 6. Developing state community development policies, goals, plans and programs for the consideration and  
218 adoption of the Board with the ultimate authority for adoption to rest with the Governor and the General  
219 Assembly.

220 7. Developing a Consolidated Plan to guide the development and implementation of housing programs  
221 and community development in the Commonwealth for the purpose of meeting the housing and community  
222 development needs of the Commonwealth and, in particular, those of low-income and moderate-income  
223 persons, families and communities.

224 8. Determining present and future housing requirements of the Commonwealth on an annual basis and  
225 revising the Consolidated Plan, as necessary to coordinate the elements of housing production to ensure the  
226 availability of housing where and when needed.

227 9. Assuming administrative coordination of the various state housing programs and cooperating with the  
228 various state agencies in their programs as they relate to housing.

229 10. Establishing public information and educational programs relating to housing; devising and  
230 administering programs to inform all citizens about housing and housing-related programs that are available  
231 on all levels of government; designing and administering educational programs to prepare families for home  
232 ownership and counseling them during their first years as homeowners; and promoting educational programs  
233 to assist sponsors in the development of low and moderate income housing as well as programs to lessen the  
234 problems of rental housing management.

235 11. Administering the provisions of the Industrialized Building Safety Law (§ 36-70 et seq.).

236 12. Administering the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.).

237 13. Establishing and operating a Building Code Academy for the training of persons in the content,  
238 application, and intent of specified subject areas of the building and fire prevention regulations promulgated  
239 by the Board of Housing and Community Development.

240 14. Administering, in conjunction with the federal government, and promulgating any necessary  
241 regulations regarding energy standards for existing buildings as may be required pursuant to federal law.

242 15. Identifying and disseminating information to local governments about the availability and utilization  
243 of federal and state resources.

244 16. Administering, with the cooperation of the Department of Health, state assistance programs for public

245 water supply systems.

246 17. Advising the Board on matters relating to policies and programs of the Virginia Housing Trust Fund.

247 18. Designing and establishing program guidelines to meet the purposes of the Virginia Housing Trust  
248 Fund and to carry out the policies and procedures established by the Board.

249 19. Preparing agreements and documents for loans and grants to be made from the Virginia Housing Trust  
250 Fund; soliciting, receiving, reviewing and selecting the applications for which loans and grants are to be  
251 made from such fund; directing the Virginia Housing Development Authority and the Department as to the  
252 closing and disbursing of such loans and grants and as to the servicing and collection of such loans; directing  
253 the Department as to the regulation and monitoring of the ownership, occupancy and operation of the housing  
254 developments and residential housing financed or assisted by such loans and grants; and providing direction  
255 and guidance to the Virginia Housing Development Authority as to the investment of moneys in such fund.

256 20. Establishing and administering program guidelines for a statewide homeless intervention program.

257 21. Administering 15 percent of the Low Income Home Energy Assistance Program (LIHEAP) Block  
258 Grant and any contingency funds awarded and carry over funds, furnishing home weatherization and  
259 associated services to low-income households within the Commonwealth in accordance with applicable  
260 federal law and regulations.

261 22. Developing a strategy concerning the expansion of affordable, accessible housing for older Virginians  
262 and Virginians with disabilities, including supportive services.

263 23. Serving as the Executive Director of the Commission on Local Government as prescribed in  
264 § 15.2-2901 and perform all other duties of that position as prescribed by law.

265 24. Developing a strategy, in consultation with the Virginia Housing Development Authority, for the  
266 creation and implementation of housing programs and community development for the purpose of meeting  
267 the housing needs of persons who have been released from federal, state, and local correctional facilities into  
268 communities.

269 25. Administering the Private Activity Bonds program in Chapter 50 (§ 15.2-5000 et seq.) of Title 15.2  
270 jointly with the Virginia Small Business Financing Authority and the Virginia Housing Development  
271 Authority.

272 26. Developing a statement of tenant rights and responsibilities explaining in plain language the rights and  
273 responsibilities of tenants under the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.) and  
274 maintaining such statement on the Department's website. The Director shall also develop and maintain on the  
275 Department's website a printable form to be signed by the parties to a written rental agreement  
276 acknowledging that the tenant has received from the landlord the statement of tenant rights and  
277 responsibilities as required by § 55.1-1204. The Director may at any time amend the statement of tenant  
278 rights and responsibilities and such printable form as the Director deems necessary and appropriate. The  
279 statement of tenant rights and responsibilities shall contain a plain language explanation of the rights and  
280 responsibilities of tenants in at least 14-point type. The statement shall provide the telephone number and  
281 website address for the statewide legal aid organization and direct tenants with questions about their rights  
282 and responsibilities to contact such organization.

283 27. Developing a statement of tenant rights and responsibilities explaining in plain language the rights and  
284 responsibilities of tenants under the Virginia Manufactured Home Lot Rental Act (§ 55.1-1300 et seq.) and  
285 maintaining such statement on the Department's website. The Director shall also develop and maintain on the  
286 Department's website a printable form to be signed by the parties to a written rental agreement  
287 acknowledging that the tenant has received from the landlord the statement of tenant rights and  
288 responsibilities as required by § 55.1-1303. The Director may at any time amend the statement of tenant  
289 rights and responsibilities and such printable form as the Director deems necessary and appropriate. The  
290 statement of tenant rights and responsibilities shall contain a plain language explanation of the rights and  
291 responsibilities in at least 14-point type. The statement shall provide the telephone number and website  
292 address for the statewide legal aid organization and direct tenants with questions about their rights and  
293 responsibilities to contact such organization.

294 28. Developing a sample termination notice that includes language referencing acceptance of rent with  
295 reservation by a landlord following a breach of a lease by a tenant in accordance with § 55.1-1250. The  
296 sample termination notice shall be in at least 14-point type and shall be maintained on the Department's  
297 website.

298 29. Developing and operating a Virginia Residential Sites and Structures Locator database to assist  
299 localities in marketing any structures and parcels determined by the locality to be suitable for future  
300 residential or mixed-use development or redevelopment and that are under (i) public ownership, (ii) public  
301 and private ownership, or (iii) private ownership if the owner or owners have authorized the locality to  
302 market the structure or parcel for future residential or mixed-use development or redevelopment purposes.

303 30. Conducting a comprehensive statewide housing needs assessment at least every five years, which shall  
304 include (i) a review of housing cost burden and instability, supply and demand for affordable rental housing,  
305 and supply and demand for affordable for-sale housing and (ii) regional or local profiles that focus on specific  
306 housing needs of particular regions or localities.

307       31. Developing a statewide housing plan that reflects the findings of the statewide housing needs  
308 assessment conducted pursuant to subdivision 30, which plan shall include measurable goals and be updated  
309 at least every five years to reflect changes in the Commonwealth's housing goals, and providing an annual  
310 report to the General Assembly on progress toward meeting the goals identified in such plan and the  
311 availability of housing that is accessible to people with disabilities.

312       32. Collecting reports submitted by localities pursuant to § 36-139.9 in any manner prescribed by the  
313 Department, including any forms developed by the Department to collect the information required to be  
314 reported by the localities pursuant to such section and publishing such reports on its website.

315       33. *Establishing criteria to guide a board of zoning appeals in its decision-making process for an appeal  
316 filed pursuant to subsection C of § 15.2-2209.4 and promulgate all necessary regulations. Such criteria or  
317 regulations shall ensure that localities meet required growth targets and shall also establish a method for  
318 giving extra weight, not to exceed 20 percent of the required target, to a locality's calculation of such targets  
319 if they dedicate at least 10 percent of the new housing supply to affordable housing units and for the  
320 rehabilitation of current, underutilized housing stock. The Department shall also promulgate regulations that  
321 require localities to gather data specifying the number of new housing units proposed by submitted  
322 applications, the number of such units approved, and the number of housing units constructed over a  
323 specified time frame, as well as the number of existing housing units in the locality. Such data shall be  
324 submitted to the Department for purposes of transparency and to ensure compliance with the required growth  
325 targets.*

326       34. Carrying out such other duties as may be necessary and convenient to the exercise of powers granted  
327 to the Department.