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HOUSE BILL NO. 388

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the Senate Committee on Local Government  
on February 23, 2026)

(Patron Prior to Substitute—Delegate Callsen)

A BILL to amend and reenact § 15.2-2403 of the Code of Virginia, relating to powers of service districts; control of invasive plant species.

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2403 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2403. Powers of service districts.

After adoption of an ordinance or ordinances or the entry of an order creating a service district, the governing body or bodies shall have the following powers with respect to the service districts:

1. To construct, maintain, and operate such facilities and equipment as may be necessary or desirable to provide additional, more complete, or more timely governmental services within a service district, including ~~but not limited to~~ general government facilities; water supply, dams, sewerage, garbage removal and disposal, heat, light, fire-fighting equipment and power and gas systems and sidewalks; economic development services; promotion of business and retail development services; beautification and landscaping; control of the spread of plants on the list of invasive plant species established by the Department of Conservation and Recreation pursuant to § 10.1-104.6:2; beach and shoreline management and restoration; dredging of creeks and rivers to maintain existing uses; control of infestations of insects that may carry a disease that is dangerous to humans, gypsy moths, cankerworms, or other pests identified by the Commissioner of the Department of Agriculture and Consumer Services in accordance with the Virginia Pest Law (§ 3.2-700 et seq.); public parking; extra security, street cleaning, snow removal, and refuse collection services; sponsorship and promotion of recreational and cultural activities; upon petition of over 50 percent of the property owners who own not less than 50 percent of the property to be served, construction, maintenance, and general upkeep of streets and roads; construction, maintenance, and general upkeep of streets and roads through creation of urban transportation service districts pursuant to § 15.2-2403.1; and other services, events, or activities that will enhance the public use and enjoyment of and the public safety, public convenience, and public well-being within a service district. Such services, events, or activities shall not be undertaken for the sole or dominant benefit of any particular individual, business, or other private entity. Any transportation service, system, facility, roadway, or roadway appurtenance established under this subdivision that will be operated or maintained by the Virginia Department of Transportation shall be established with the involvement of the governing body of the locality and meet the appropriate requirements of the Department.

2. Notwithstanding the provisions of § 33.2-326, to provide, in addition to services authorized by subdivision 1, transportation and transportation services within a service district, regardless of whether the facilities subject to the services are or will be operated or maintained by the Virginia Department of Transportation, including, but not limited to: public transportation systems serving the district; transportation management services; road construction, including any new roads or improvements to existing roads; rehabilitation and replacement of existing transportation facilities or systems; and sound walls or sound barriers. However, any transportation service, system, facility, roadway, or roadway appurtenance established under this subdivision that will be operated or maintained by the Virginia Department of Transportation shall be established with the involvement of the governing body of the locality and meet the appropriate requirements of the Department. The proceeds from any annual tax or portion thereof collected for road construction pursuant to subdivision 6 may be accumulated and set aside for such reasonable period of time as is necessary to finance such construction; however, the governing body or bodies shall make available an annual disclosure statement, which shall contain the amount of any such proceeds accumulated and set aside to finance such road construction.

3. To acquire in accordance with § 15.2-1800, any such facilities and equipment and rights, title, interest, or easements therefor in and to real estate in such district and maintain and operate the same as may be necessary and desirable to provide the governmental services authorized by subdivisions 1 and 2.

4. To contract with any person, municipality, or state agency to provide the governmental services authorized by subdivisions 1 and 2 and to construct, establish, maintain, and operate any such facilities and equipment as may be necessary and desirable in connection therewith.

5. To require owners or tenants of any property in the district to connect with any such system or systems, and to contract with the owners or tenants for such connections. The owners or tenants shall have the right of appeal to the circuit court within 10 days from action by the governing body.

6. To levy and collect an annual tax upon any property in such service district subject to local taxation to pay, either in whole or in part, the expenses and charges for providing the governmental services authorized by subdivisions 1, 2, and 11 and for constructing, maintaining, and operating such facilities and equipment as

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60 may be necessary and desirable in connection therewith; however, such annual tax shall not be levied for or  
61 used to pay for schools, police, or general government services not authorized by this section, and the  
62 proceeds from such annual tax shall be so segregated as to enable the same to be expended in the district in  
63 which raised. Such tax may be levied on taxable real estate zoned for residential, commercial, industrial, or  
64 other uses, or any combination of such use classification, within the geographic boundaries of the service  
65 district; however, such tax shall only be levied upon the specific classification of real estate that the local  
66 governing body deems the provided governmental services to benefit. In addition to the tax on property  
67 authorized herein, in the City of Virginia Beach, the city council shall have the power to impose a tax on the  
68 base transient room rentals, excluding hotels, motels, and travel campgrounds, within such service district at a  
69 rate or percentage not higher than five percent which is in addition to any other transient room rental tax  
70 imposed by the city. The proceeds from such additional transient room rental tax shall be deposited in a  
71 special fund to be used only for the purpose of beach and shoreline management and restoration. Any locality  
72 imposing a tax pursuant to this subdivision may base the tax on the full assessed value of the taxable property  
73 within the service district, notwithstanding any special use value assessment of property within the service  
74 district for land preservation pursuant to Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1, provided  
75 the owner of such property has given written consent. In addition to the taxes and assessments described  
76 herein, a locality creating a service district may contribute from its general fund any amount of funds it deems  
77 appropriate to pay for the governmental services authorized by subdivisions 1, 2, and 11 of this section.

78 7. To accept the allocation, contribution, or funds of, or to reimburse from, any available source,  
79 including, but not limited to, any person, authority, transportation district, locality, or state or federal agency  
80 for either the whole or any part of the costs, expenses, and charges incident to the acquisition, construction,  
81 reconstruction, maintenance, alteration, improvement, expansion, and the operation or maintenance of any  
82 facilities and services in the district.

83 8. To employ and fix the compensation of any technical, clerical, or other force and help which from time  
84 to time, in their judgment may be necessary or desirable to provide the governmental services authorized by  
85 subdivisions 1, 2, and 11 or for the construction, operation, or maintenance of any such facilities and  
86 equipment as may be necessary or desirable in connection therewith.

87 9. To create and terminate a development board or other body to which shall be granted and assigned such  
88 powers and responsibilities with respect to a special service district as are delegated to it by ordinance  
89 adopted by the governing body of such locality or localities. Any such board or alternative body created shall  
90 be responsible for control and management of funds appropriated for its use by the governing body or bodies,  
91 and such funds may be used to employ or contract with, on such terms and conditions as the board or other  
92 body shall determine, persons, municipal or other governmental entities, or such other entities as the  
93 development board or alternative body deems necessary to accomplish the purposes for which the  
94 development board or alternative body has been created. If the district was created by court order, the  
95 ordinance creating the development board or alternative body may provide that the members appointed to the  
96 board or alternative body shall consist of a majority of the landowners who petitioned for the creation of the  
97 district, or their designees or nominees.

98 10. To negotiate and contract with any person or municipality with regard to the connections of any such  
99 system or systems with any other system or systems now in operation or hereafter established, and with  
100 regard to any other matter necessary and proper for the construction or operation and maintenance of any  
101 such system within the district.

102 11. To acquire by purchase, gift, devise, bequest, grant, or otherwise title to or any interests or rights of  
103 not less than five years' duration in real property that will provide a means for the preservation or provision of  
104 open-space land as provided for in the Open-Space Land Act (§ 10.1-1700 et seq.). Notwithstanding the  
105 provisions of subdivision 3, the governing body shall not use the power of condemnation to acquire any  
106 interest in land for the purposes of this subdivision.

107 12. To contract with any state agency or state or local authority for services within the power of the  
108 agency or authority related to the financing, construction, or operation of the facilities and services to be  
109 provided within the district; however, nothing in this subdivision shall authorize a locality to obligate its  
110 general tax revenues, or to pledge its full faith and credit.

111 13. In the Town of Front Royal, to construct, maintain, and operate facilities, equipment, and programs as  
112 may be necessary or desirable to control, eradicate, and prevent the infestation of rats and removal of skunks  
113 and the conditions that harbor them.

114 14. In Accomack County, to construct, maintain, and operate in the Wallops Research Park, consistent  
115 with all applicable federal, state, and local laws and regulations, such infrastructure, services, or amenities as  
116 may be necessary or desirable to provide access for aerospace-related economic development to the  
117 NASA/Wallops Flight Facility runway and related facilities, and to create and terminate a Wallops Research  
118 Park Partnership body, which shall consist of one representative of the NASA/Wallops Research Flight  
119 Facility, one representative of the U.S. Navy Surface Combat Systems Center, one representative of the  
120 Marine Science Consortium, one representative of the Accomack County government, the Chancellor of the  
121 Virginia Community College System, and one representative of the Virginia Economic Development

122 Partnership. The Partnership body shall have all of the powers enumerated in § 15.2-2403. Federal appointees  
123 to the Partnership body shall maintain their absolute duties of loyalty to the U.S. government.

124 15. To contract with a nongovernmental broadband service provider who will construct, maintain, and  
125 own communications facilities and equipment required to facilitate delivery of last-mile broadband services  
126 to unserved areas of the service district, provided that the locality documents that less than 10 percent of  
127 residential and commercial units within the project area are capable of receiving broadband service at the  
128 time the construction project is approved by the locality.

129 As used in this subdivision:

130 "Area unserved by broadband" means a designated area in which less than 10 percent of residential and  
131 commercial units are capable of receiving broadband service, provided that the Department of Housing and  
132 Community Development for its Virginia Telecommunication Initiative may by guidelines modify such  
133 percentage from time to time.

134 "Broadband" means Internet access at speeds greater than 10 Mbps download speed and one Mbps upload  
135 speed, provided that the Department of Housing and Community Development for its Virginia  
136 Telecommunication Initiative may by guidelines modify such speeds from time to time.