

VIRGINIA ACTS OF ASSEMBLY - 2026 SESSION

CHAPTER 121

An Act to amend and reenact § 36-139.9 of the Code of Virginia, relating to Department of Housing and Community Development; local housing policy; report to Department.

[H 356]

Approved April 6, 2026

Be it enacted by the General Assembly of Virginia:

1. That § 36-139.9 of the Code of Virginia is amended and reenacted as follows:

§ 36-139.9. Local housing policy; report to Department.

A. Any locality with a population greater than 3,500 shall submit annually to the Department a report ~~summarizing the adoption or amendment of~~ *detailing any changes to* local policies, ordinances, *regulations*, or processes affecting the development and construction of housing during the preceding fiscal year. Such report shall contain a description of the following items and, if available, a reference to where additional information can be found on the locality's website:

1. Adoption or amendment of a local proffer policy enacted by the locality pursuant to § 15.2-2298, 15.2-2303, or 15.2-2303.1, *including any changes to cash proffer schedules*;

2. Adoption or amendment of any provisions of the zoning ordinance affecting the development, redevelopment, or construction of single-family or multifamily housing, *including changes related to density, height, lot coverage, minimum lot size, setbacks, use permissions, parking requirements, or design standards*;

3. Adoption or amendment of any provisions of the subdivision ordinance affecting the development, redevelopment, or construction of single-family or multifamily housing;

4. Revisions to the comprehensive plan affecting the location, density, or character of single-family or multifamily housing;

5. Adoption or amendment of any ordinances, incentives, or policies designed to encourage the development, redevelopment, or construction of housing, including accessory dwelling unit ordinances, affordable dwelling unit ordinances pursuant to § 15.2-2304, 15.2-2305, or 15.2-2305.1, fee waivers, density bonuses, waiver or reduction of local parking requirements, new construction or rehabilitation tax incentives, and development standard modifications; ~~and~~

6. Changes to any local fees associated with the reviewing, permitting, and construction of residential development activities;

7. *Adoption or implementation of any legislation enacted by the General Assembly during the preceding legislative session affecting residential land development or construction*;

8. *Any studies, reports, or analyses, if any, that were prepared by or for the locality during the preceding fiscal year and that relate to (i) local housing market conditions; (ii) projected residential development; (iii) housing shortages, gaps, or needs by unit type, tenure, or affordability level; (iv) housing demand, supply, or production trends; (v) build-out potential or other analyses estimating the amount of residential development permissible under existing zoning; (vi) infrastructure or utility capacity, including engineering assessment of water, sewer, transportation, or school systems needed to accommodate residential growth; and (vii) regional or multi-jurisdictional housing analyses prepared by a planning district commission, including studies of housing needs, growth patterns, or opportunities for policy coordination; and*

9. *The total number of residential development applications submitted during the preceding fiscal year, including rezoning and other residential land-development applications requiring legislative approval and by-right residential development applications submitted for administrative review. For all applications, the locality shall report the number submitted, approved, and denied and the number of residential units proposed, approved, and denied. For purposes of this subdivision, residential development applications shall be treated as denied if a completed application for such development is pending approval for at least 12 months and has not otherwise been delayed at the request of the applicant. To the extent available, the locality shall also report proposed unit types, tenure, expected affordability or income targeting, and the permitted density or intensity.*

B. Reports submitted by localities pursuant to this section shall be submitted to the Department annually by September 1 for the preceding fiscal year. Reports shall be submitted in accordance with any forms and requirements developed by the Department, in consultation with stakeholders. The Department shall make all reports available to the public on its website.