2026 VIRGINIA GENERAL ASSEMBLY REPORT

MEMORANDUM

TO: Mayor and Town Council

FROM: Lesa Yeatts, Town Attorney
Lauri Sigler, Deputy Town Attorney

DATE: May 5, 2026

RE: 2026 Virginia General Assembly – Session Summary and Recommendations

---

Executive Summary

The 2026 Session of the Virginia General Assembly concluded on March 14, 2026, following a long session in which 2,366 bills were introduced and 1,156 bills were enacted. While the regular session has adjourned sine die, the General Assembly has not yet adopted a new biennial state budget and is continuing budget deliberations through a special session. The Governor has acted on all enrolled legislation, issuing amendments to 180 bills and vetoing eight. The General Assembly has considered those actions during the reconvened session, and the Governor has until May 22, 2026, to either sign or veto bills returned without amendment.

Legislation enacted during the 2026 Session includes one Herndon-specific bill updating the Town Charter to clarify council and town manager authority, modernize administrative provisions, and remove obsolete language. That legislation becomes effective July 1, 2026, and requires no further action by the Town.

In addition, several enacted bills of broader applicability will have a material impact on Town operations, authority, or policies. These include mandatory or permissive changes affecting zoning and land use regulation, affordable housing, parking requirements, manufactured housing, tree conservation, small solar generation devices, electric vehicle infrastructure, FOIA agenda posting requirements, parking enforcement authority, and labor and employment matters such as minimum wage increases and the establishment of a statewide paid family and medical leave insurance program. Some legislation requires the Town to take affirmative action—particularly amendments to the Zoning Ordinance and Town Code—while other bills grant discretionary authority that the Town Council may elect to consider in future policy discussions.

The Governor also vetoed or sought to amend several bills of interest to local governments, including legislation related to casino gaming eligibility, electronic skill gaming devices, public-sector collective bargaining, and the establishment of a regulated retail cannabis market. The General Assembly rejected the Governor's amendments to certain bills, leaving final action pending.

Town staff will continue to review enacted legislation, coordinate implementation efforts, prepare required ordinance or policy amendments for Council consideration, and monitor regulatory guidance and future legislative developments. Further updates and targeted briefings will be provided as implementation deadlines approach or if additional Council action is required.

The following are highlights of the 2026 Session:

I. Herndon Specific

SB343/HB887 Herndon, Town of; amending charter, clarifies duties of town council.

Patroned and introduced by Jennifer B. Boysko in the Senate and Irene Shin in the House

Charter; Town of Herndon. Updates the charter for the Town of Herndon in Fairfax County to permit greater flexibility for the town council to contract with the town manager regarding the location of his residence, clarifies the duties of the town manager relative to employees, clarifies that the town council has the authority to appoint two officers: the town manager and town attorney, and establishes that the town manager has the authority to employ any deputies or assistants for the two appointed offices. The bill also removes outdated or duplicative provisions that occur as a result of the changes to the town manager's duties and authority and an obsolete reference to a Town of Herndon school board. This bill is identical to HB 887.

Effective Date: July 1, 2026. **No further action is needed.**

II. Legislation of Interest to the Town

The following enacted legislation is expected to have a material impact on Town operations or authority:

1. **HB341 Plastic bag tax; distribution to towns.**

Plastic bag tax; distribution to towns. Requires that any town located within a county that has imposed a disposable plastic bag tax receive a distribution of revenues collected by the

county based on the local sales tax distribution formula for appropriations to towns. The bill restricts a town's use of such revenues to the same purposes allowable for a county or city.

Effective Date: July 1, 2026.

Recommended Action: Coordinate with Fairfax County for implementation.

2. SB388 **Affordable housing; religious organizations and other nonprofit tax-exempt properties.**

Affordable housing; religious organizations and other nonprofit tax-exempt properties. Allows for the administrative approval of development and construction of housing on land owned by property tax-exempt religious organizations or certain property tax-exempt nonprofit organizations and provides that zoning ordinances shall allow the by-right development and construction of housing on real property owned by such organizations, subject to various conditions and limitations. The bill provides that the review of such developments be completed pursuant to general law and states that localities shall not require a special exception, special use permit, conditional use permit, rezoning, or any discretionary review or approval process. The bill requires that at least 60 percent of the housing development's total units be for affordable housing and that the housing development remain affordable for at least 30 years. The bill also provides that all such housing is subject to local real property taxation following completion, unless explicitly exempted by the locality. This bill incorporates SB 367 and is identical to HB 1279.

Effective Date: January 1, 2027

Expiration Date: January 1, 2031

Recommended Action: No action is needed immediately, however, the bill requires localities to allow this development by-right which is not currently allowed under the town's zoning ordinance. Town staff will need to prepare an amendment to the Zoning Ordinance (ZOTA) for initiation by the Town Council so that the ZOTA is effective by January 1, 2027, but then it expires January 1, 2031.

3. SB74 **Affordable housing; local zoning ordinance authority.**

Affordable housing; local zoning ordinance authority. Authorizes any locality in the Commonwealth to provide for an affordable housing dwelling unit program by amending the zoning ordinance of such locality. Current law restricts such authorization to counties with an urban county executive form of government or county manager plan of government and certain other localities. In addition to optional increases in density, the bill provides that such program may include certain additional implementation measures including lot size reductions and accessory housing unit allowances. The bill is identical to HB 867.

Effective Date: July 1, 2027

Recommended Action: No action needed at this time. This bill grants the Town with permissive authority to create an affordable dwelling program under Virginia Code §15.2-2304. If the Town Council would like to enact this authority, town staff will need to prepare an amendment to the Zoning Ordinance (ZOTA) for initiation by the Town Council. The ZOTA cannot be effective until July 1, 2027.

4. HB594 **Affordable housing developments, certain; expedited approval.**

Expedited approval for certain affordable housing developments. Allows a locality, by ordinance, to authorize a zoning administrator to use an administrative process to approve rezoning applications for certain affordable housing developments. The bill requires that the affordable housing development comply with the Virginia Fair Housing Law, connect to a public or community water supply or sewage system, and be located within or adjacent to an area identified by the locality that could support increased density development and provide access to services. The bill also requires the locality, prior to the adoption of such ordinance, to advertise its intention to propose such ordinance within a certain period of time in a newspaper having a general circulation in the locality. The bill allows the Department of Housing and Community Development to give a locality priority for any grants or loans administered by the Department if such locality demonstrates to the Department's satisfaction that its ordinance has met the provisions of the bill. Finally, the bill requires certain localities that adopt such ordinance to include in their annual local housing policy report to the Department a summary of the ordinance.

Effective Date: July 1, 2026

Recommended Action: No action needed at this time. This bill grants the Town with permissive authority to grant the zoning administrator with additional administrative authority. If the Town Council would like to enact this authority, town staff will need to prepare an amendment to the Zoning Ordinance (ZOTA) for initiation by the Town Council. The ZOTA cannot be effective before July 1, 2026.

5. SB250 **Electric utilities; small portable solar generation devices, local regulation.**

Electric utilities; small portable solar generation devices; local regulation; installation by tenants; consumer protection. Prevents a locality from prohibiting the use of a small portable solar generation device, as defined in the bill, on a residential structure, provided that certain requirements are met. The bill includes provisions related to the installation of small portable solar generation devices by tenants and prevents landlords from prohibiting such installation in certain circumstances. Under the bill, small portable solar generation devices are excluded from the provisions of net metering programs applicable to eligible

agricultural customer-generators, eligible customer-generators, or small agricultural generating facilities. The bill also permits any electric utility customer to own and operate a small portable solar generation device, provided that certain requirements are met. The bill prohibits an investor-owned utility, municipal utility, or electric cooperative from imposing interconnection requirements, charging any fee related to the device, or requiring that the customer obtain the utility's approval before installing or using the device. Under the bill, no electric utility, municipal utility, electric cooperative shall be liable for damage or injury caused by a small portable solar generation device. The bill directs the State Corporation Commission to develop and publish a notification form for a customer of an electric utility or cooperative to install a small portable solar generation device and directs the Secretary of Commerce and Trade to convene a work group to evaluate and develop recommendations regarding the safety standards and requirements applicable to small portable solar generation devices. This bill is identical to HB 395.

Effective Date: Certain provisions of the first enactment of this bill shall become effective on January 1, 2027.

Recommended Action: No action is needed at this time. Staff will review town ordinances and determine what amendments are needed so that any amendments are effective no sooner than January 1, 2027.

6. HB549 **Trees; conservation and replacement during development process in certain localities, report.**

Conservation and replacement of trees during development process; work group; report. Expands certain existing local government authority to plant or replace trees during the development process by expanding such authority statewide. The bill allows localities to establish higher tree canopy replacement percentages based on density per acre. The bill also alters the current process for granting exceptions to a local ordinance by modifying a provision that requires the granting of an exception when the strict application of the ordinance would result in unnecessary or unreasonable hardship to the developer, and replacing it with a requirement that the locality concur with such a determination. The bill permits localities to monitor and assess the condition and coverage of tree canopies at development sites during a period of up to 20 years after the trees are planted. The bill also allows any town within Planning District 8 belonging to an eight-hour nonattainment area for air quality standards to require, by ordinance, that a subdivision or development provide for the preservation or replacement of trees on the development site such that the minimum tree canopy or cover 10 years after development is projected to meet specified coverage criteria. Under current law, the criteria apply to tree canopy coverage 20 years after development. Finally, the bill directs the Institute for Coastal Adaptation and Resilience to

convene a work group to conduct a comprehensive review of the tree canopy laws and regulations and report the work group's findings and recommendations to the Chairs of the House Committee on Counties, Cities and Towns and Senate Committee on Local Government by November 1, 2026. This bill incorporates HB 995 and is identical to SB 589.

Effective Date: July 1, 2026.

Recommended Action: No action is needed at this time. This bill grants the town permissive authority and staff will evaluate and make a recommendation at a later time.

7. HB277 **Zoning; wireless facility modifications, application process.**

Zoning; wireless facility modifications; application process. Prohibits a locality from denying an application for the modification of an existing wireless facility if (i) the modification would not substantially change the physical dimensions of the existing wireless facility; (ii) the modification involves the co-location of new transmission equipment, the removal of transmission equipment, or the replacement of transmission equipment; and (iii) the request meets the requirements of the bill. The bill provides that a modification does not substantially change the physical dimensions of the existing wireless facility if it entails the excavation or deployment of transmission equipment within 30 feet, in any direction, of the existing wireless support structure or base station. The bill also provides various requirements for local approval within a specified timeframe, permits any applicant or locality to bring claims related to the bill to any court of competent jurisdiction, and prohibits any party, other than the applicant or locality, from having an actionable appeal for the issuance of permits or authorizations made pursuant to the bill.

Effective Date: July 1, 2026.

Recommended Action: Staff will evaluate and make a recommendation as to whether any amendments are needed to town ordinances.

8. SB531 **Zoning; development and use of accessory dwelling units, delayed effective date.**

Zoning; development and use of accessory dwelling units. Requires a locality to include in its zoning ordinances for single-family residential zoning districts accessory dwelling units, or ADUs, as defined in the bill, as a permitted accessory use. The bill requires a person to seek a permit for an ADU from the locality, requires the locality to issue such permit if the person meets certain requirements enumerated in the bill, and restricts the fee for such permit to $500 or less. The bill prohibits the locality from requiring (i) setbacks for the ADU that are greater than the setback required for the primary dwelling or the setback required for accessory structures on the residential lot, whichever is less; (ii) conditions for ADUs that

are more restrictive than those for single-family dwellings within the same zoning area with regard to height, rear, or side setbacks, lot size or coverage, or building frontage; or (iii) consanguinity or affinity between the occupants of the ADU and the primary dwelling. The bill has a delayed effective date of July 1, 2027.

Effective Date: July 1, 2027.

Recommended Action: No action will be needed by the Town Council. The bill specifically exempts localities that adopted an ADU ordinance prior to January 1, 2026.

9. HB833 **Land subdivision and development; optional provisions of a subdivision ordinance, etc.**

Land subdivision and development; optional provisions of a subdivision ordinance; electric vehicle charging stations; Department of Energy; report. Allows, effective July 1, 2027, a locality to include in its subdivision ordinance a requirement for electric vehicle (EV) supply equipment, EV-ready charging spaces, or EV-capable parking spaces that provide infrastructure to facilitate future EV charging, including electrical capacity, prewiring, and conduit for a development containing commercial, industrial, or multifamily residential uses. Effective in due course, the bill directs the Department of Energy to evaluate the design and deployment of the electrical distribution infrastructure necessary to support the installation of electric vehicle charging facilities in new developments consisting of single-family and multifamily residential units, to provide recommendations on the appropriate number and type of EV charging spaces for new commercial and industrial developments, and to report its findings and recommendations to the State Corporation Commission no later than November 15, 2026.

Effective Date: July 1, 2027.

Recommended Action: No action is needed at this time. This bill grants the town permissive authority and staff will evaluate and make a recommendation at a later time.

10. HB888 **Minimum off-street parking requirements; definitions, administrative reductions.**

Minimum off-street parking requirements in certain areas. Provides that a locality shall not require, as a condition of zoning approval, minimum off-street parking for residential, multifamily, or mixed-use development located within a designated area, as defined in the bill, in amounts exceeding (i) 0.5 parking spaces per dwelling unit for multifamily or mixed-use residential development and (ii) one parking space per dwelling unit for one-family and two-family dwellings and townhouses. The bill also provides that no locality shall adopt or enforce any provision of a zoning ordinance that imposes minimum off-street parking

requirements for residential, multifamily, or mixed-use development located within a designated area in excess of such limitations. The bill further provides that any locality with a population greater than 20,000 shall, by ordinance, provide for an administrative reduction of minimum off-street parking requirements of not less than 20 percent for residential, multifamily, or mixed-use development proposed on parcels not located within a designated area. This bill incorporates HB 262.

Effective Date: July 1, 2026.

Recommended Action: Town staff will need to prepare an amendment to the Zoning Ordinance (ZOTA) for initiation by the Town Council so that the ZOTA is effective by July 1, 2026.

11. HB655 **Zoning; manufactured housing.**

Zoning; manufactured housing. Amends existing provisions that require localities to permit manufactured homes in areas zoned for agriculture by expanding such requirement to all zoning districts where site-built housing is allowed, with certain conditions. The bill provides that localities shall not adopt or enforce any zoning, land-use, or development regulation that treats manufactured homes differently or more restrictively than a single-family site-built dwelling allowed in the same zoning district. The bill also removes the authority of localities without a zoning ordinance to designate the areas within the locality in which manufactured homes may be located. This bill incorporates HB 418 and HB 801 and is identical to SB 346.

Effective Date: July 1, 2026.

Recommended Action: Town staff will need to prepare an amendment to the Zoning Ordinance (ZOTA) for initiation by the Town Council, so that the ZOTA is effective by July 1, 2026.

12. SB26 **Land development; definitions, solar canopies in surface parking areas, delayed effective date.**

Land development; solar canopies in parking areas. Provides that any locality may include in its land development ordinances a provision that requires that an applicant must install a solar canopy over designated surface parking areas. Such provisions shall apply only to nonresidential parking areas with 100 or more new off-street contiguous parking spaces and may require coverage of up to 50 percent of the surface parking area. The bill provides that an ordinance adopted pursuant to this bill shall be subject to various additional requirements and shall allow for deviations, in whole or in part, from the requirements of the ordinance when its strict application would prevent the development of uses and densities

otherwise allowed by the locality's zoning or development ordinance or when a property owner shows that the solar canopy, if installed as otherwise required under the ordinance, will generate less than 75 percent of the electricity that would be expected, given the nameplate capacity of the solar modules installed on such canopy, if the canopy were to be installed at another location in the locality without surrounding impediments to insolation such as buildings or shading vegetation. Finally, the bill provides that the applicant or owner may use the electric energy generated from such solar canopy to offset the consumption of the parking lot or adjoining building served under the same account. This bill is identical to HB 1234.

Effective Date: July 1, 2027.

Recommended Action: No action needed at this time. This bill grants the Town with permissive authority to include provisions in the zoning ordinance to require an applicant to install solar canopies as permitted by the bill. If the Town Council would like to enact this authority, town staff will need to prepare an amendment to the Zoning Ordinance (ZOTA) for initiation by the Town Council, that cannot be effective sooner than July 1, 2027.

13. HB198 **Local government; review of decision by board of zoning appeals, procedures for filing petition.**

Local governing body; review of decision by board of zoning appeals; procedures for filing petition. Makes various changes and clarifications to the procedures following the filing of a petition in a circuit court by a party aggrieved by a decision of the board of zoning appeals. Current law provides that a circuit court, upon presentation of the petition, shall allow a writ of certiorari to review such decision and includes certain timing requirements for service upon and response by the board of zoning appeals. The bill clarifies that the petition shall be served upon the secretary or chair of the board of zoning appeals within 30 days after the petition is filed with the clerk of the circuit court and that, within 21 days of being served with the petition, the secretary of the board of zoning appeals shall file the record of the proceedings at issue in the petition. The bill also updates other procedures, such as the time requirements for the filing of responsive pleadings, to be consistent with the various changes and clarifications throughout the bill. This bill is a recommendation of the Boyd-Graves Conference.

Effective Date: July 1, 2026.

Recommended Action: No action is needed by the Town Council. This bill amends §15.2-2285 of the Code of Virginia and will apply to any appeal from the BZA to the Circuit Court.

14. S699 **Virginia Freedom of Information Act; public bodies to post meeting agendas.**

Virginia Freedom of Information Act; public bodies to post meeting agendas. Requires public bodies subject to the Virginia Freedom of Information Act (FOIA) to post the proposed agenda on the public body's official government website, if any, prior to the meeting. The bill provides that no final action may be taken on any items added to an agenda after a meeting commences unless the matter is time-sensitive or is the subject of a closed meeting properly identified in a motion in accordance with FOIA requirements and defines "final action." This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

Effective Date: July 1, 2026

Recommended Action: While no amendments are needed to the Town Code, staff will review the Town Council's Rules of Procedure and recommend whether any amendments are needed to be effective by July 1, 2026.

15. HB783 **Parking enforcement; high tourism localities.**

Parking enforcement; issuance of a summons or parking ticket. Removes the population requirement for a locality to be authorized to, by ordinance, authorize law-enforcement officers, other uniformed employees of the locality, and uniformed personnel serving under contract with the locality to issue a summons or parking ticket for a violation of an ordinance regulating the parking, stopping, and standing of vehicles. Existing law grants such authority to localities having a population of at least 40,000. This bill is identical to SB 67.

Effective Date: July 1, 2026.

Recommended Action: No action is required at this time. This bill grants the Town with permissive authority to amend its parking ordinance, found in Chapter 42 of the Town Code, to permit the issuance of a summons. If the Town Council would like to enact this authority, town staff will need to prepare an amendment to the Town Code for consideration by the Town Council.

16. HB1 **Minimum wage; increases incrementally to $15.00 per hour by January 1, 2028.**

Minimum wage. Increases the minimum wage incrementally to $15.00 per hour by January 1, 2028. The bill codifies the adjusted state hourly minimum wage of $12.77 per hour that is effective January 1, 2026, and increases the minimum wage to $13.75 per hour effective January 1, 2027, and to $15.00 per hour effective January 1, 2028. Effective January 1, 2029, and annually thereafter, the bill requires the minimum wage to be adjusted to reflect increases in the consumer price index. This bill is identical to SB 1.

Effective Date: Varying dates of January 1, 2026, January 1, 2027, January 1, 2028, and January 1, 2029.

Recommended Action: Town staff will have to implement the new rates according to the outlined schedule.

17. SB2 **Paid family & med. leave insurance program; definitions, notice requirements, civil action, report.**

Paid family and medical leave insurance program; notice requirements; civil action. Requires the Virginia Employment Commission to establish and administer a paid family and medical leave insurance program with benefits beginning April 1, 2028. Under the program, benefits are paid to covered individuals, as defined in the bill, for family and medical leave. Funding for the program is provided through premiums assessed to employers and employees beginning April 1, 2028. The bill provides that the amount of a benefit is 80 percent of the employee's average weekly net earnings, not to exceed 100 percent of the statewide average weekly net earnings, which amount is required to be adjusted annually to reflect changes in the statewide average weekly wage. The bill caps the duration of paid leave at 12 weeks in any application year and provides self-employed individuals the option of participating in the program. This bill is identical to HB 1207.

Effective Date: April 1, 2028

Recommended Action: Town staff will review Town policies and provide additional information at a later date.

III. Governor's Actions

The Governor signed, amended, or vetoed a number of bills impacting local governments. Of note:

- **Vetoed Legislation**

1. SB756 **Casino gaming; eligible host localities.**

   Casino gaming; eligible host localities. Adds Fairfax County to the list of localities eligible to host a casino in the Commonwealth and provides that any proposed site for a casino gaming establishment considered by Fairfax County shall be (i) located within one-quarter of a mile of an existing station on the Metro Silver Line, (ii) part of a coordinated mixed-use project development consisting of no less than 1.5 million square feet, (iii) within two miles of a regional enclosed mall containing not less than 1.5 million square feet of gross building area, and (iv) outside of the Interstate 495 Beltway.

2. SB661 **Va. Small Business Economic Dev. Act; established, regulation and taxation of skill game machines.**

   Regulation and taxation of electronic skill gaming devices; penalties. Authorizes and specifies the registration and licensing requirements for the manufacture, distribution, operation, hosting, and playing of electronic skill gaming devices, as defined in the bill, under the regulatory authority of the Virginia Lottery. The bill imposes a 25 percent tax on all gross profits generated from the play of such electronic skill gaming devices and provides for the use of such tax proceeds after deposit in the Virginia Gaming Commerce and Development Fund, established in the bill. The bill also imposes criminal and civil penalties for violations of the law and regulations related to electronic skill gaming devices.

- **Amended Legislation:**

  1. HB1263 **Public employees; repeals existing prohibition on collective bargaining, etc.**

     Collective bargaining by public employees; individual home care providers; Virginia Home Care Council established; Public Employee Relations Board established; exclusive bargaining representatives. Repeals the existing prohibition on collective bargaining by public employees. The bill creates the Public Employee Relations Board, which shall determine appropriate bargaining units and provide for certification and decertification elections for exclusive bargaining representatives of state employees and local government employees. The bill requires public employers and employee organizations that are exclusive bargaining representatives to meet at reasonable times to negotiate in good faith with respect to wages, hours, and other terms and conditions of employment. The bill establishes the Virginia Home Care Council within the Department of Medical Assistance Services to promote the stability of the individual provider workforce in the Commonwealth and tasks the Council with serving as the public employer of individual providers, as defined in the bill, for purposes of collective bargaining pursuant to the bill's provisions. The bill repeals a provision that declares that in any procedure providing for the designation, selection, or authorization of a labor organization to represent employees the right of an individual employee to vote by secret ballot is a fundamental right that shall be guaranteed from infringement. The bill directs the Department of Labor and Industry to promulgate any regulations necessary to effectuate the bill's provisions by July 1, 2028, and provides that upon the establishment of the Public Employee Relations Board,

such regulations shall be transferred to the Board. The bill provides that until such regulations are adopted, no petitions or elections shall take place pursuant to the bill's provisions except pursuant to an ordinance or resolution adopted under current law. This bill is identical to SB 378.

Status: The General Assembly rejected the Governor's amendments. The Governor can either sign the bill as originally passed by the General Assembly or veto the bill.

2. SB542 **Cannabis control; establishes framework for creation of retail marijuana market, penalties, report.**

Cannabis control; retail market; penalties. Establishes a framework for the creation of a retail marijuana market in the Commonwealth, to be administered by the Virginia Cannabis Control Authority. The bill provides that no retail sales may occur prior to January 1, 2027. Effective January 1, 2027, the bill also moves oversight of the retail sale of certain regulated hemp products from the Virginia Department of Agriculture and Consumer Services to the Virginia Cannabis Control Authority. This bill incorporates SB 671 and SB 826 and is identical to HB 642.

Status: The General Assembly rejected the Governor's amendments. The Governor can either sign the bill as originally passed by the General Assembly or veto the bill.

IV. Implementation and Next Steps

Based on enacted legislation, recommended next steps include:

1. **Staff Review:** Departments should review enacted legislation relevant to their operations.
2. **Ordinance/Policy Updates:** Any required changes will be brought forward for Council consideration as needed.
3. **Ongoing Monitoring:** Staff will continue tracking guidance, regulations, and future legislative developments.

Additional updates will be provided if implementation issues arise or if further action is required.

V. Conclusion

The 2026 General Assembly Session resulted in a number of significant statutory changes affecting the Town, with several bills that will require the Town Council to take steps to amend some procedures and amend provisions of the Town Code. Staff will continue to monitor developments and ensure compliance with all new legislative requirements.

Please let me know if you would like a deeper briefing on any specific legislation.