Land Use, Housing & Economic Development

HB 166 Zoning administrator; narrows instances in which administrator may modify certain orders.
Amends § 15.2-2311 to narrow the instances in which a zoning administrator may modify certain previously issued written orders outside a 60-day time period by deleting the phrase "or other nondiscretionary" from the provision that currently excludes "clerical or other nondiscretionary errors" from the 60-day limitation.

HB 170 Zoning administrator; decisions reviewed by governing body shall be appealable to circuit court.
Amends § 15.2-2301 to provide that in instances in which decisions of a zoning administrator are reviewed by the governing body, the governing body's decision shall be appealable to the circuit court.

HB 316 Cemeteries; definition for purposes of zoning.
Adds § 15.2-2288.5 to clarify that certain structures and uses shall be included in the approval of a cemetery without further zoning approval being required. The bill becomes effective on Jan. 1, 2013. Identical to SB 430.

HB 326 Proffered conditions; landowners may apply to governing body for amendments, etc., of conditions.
Amends § 15.2-2302 to provide that a landowner subject to certain proffered conditions may apply to the governing body for amendments to or variations of such proffered conditions, provided only that written notice of such application be provided in the manner prescribed by subsection H of § 15.2-2204 to all landowners subject to such existing proffered conditions. The bill also provides that no claim of right derived from a proffered condition shall impair the right of a landowner who is subject to such a condition to secure amendments to the condition. Identical to SB 36.

HB 327 Historic structures; demolition.
Amends § 36-105 to provide that a locality may require by ordinance that certain structures within a historic district not be demolished until approved by the review board or, on appeal, the governing body after consultation with the review board. The bill provides, however, that if the local maintenance code official, in accordance with the Uniform Statewide Building Code, Part III Maintenance, determines that the structure constitutes a hazard, the historic structure shall be razed and removed. The bill defines contributing landmark, building, or structure.

HB 333 Economic development sites; fund for access roads.
Amends § 33.1-221.1:1 to clarify the Code to account for a fund name change from 2006.

HB 466 Alcoholic beverage control; outdoor advertising.
Adds § 4.1-113.1 to provide that all lawfully erected outdoor alcoholic beverage signs shall comply with the provisions of outdoor advertising in sight of highways, laws and regulations adopted by the Commonwealth Transportation Board pursuant thereto, and the Integrated Directional Sign Program administered by the Virginia Department of Transportation or its agents. Identical to SB 408.

HB 471 Alcoholic beverage control; outdoor advertising, penalty.
Amends and adds §§ in Titles 4.1 and 33.1 and repeals § 33.1-377 to require all outdoor advertising of alcoholic beverages to be in compliance with ABC law or Board regulations, and VDOT law and regulations concerning outdoor advertising. The bill also sets the general rule that no outdoor alcoholic beverage advertising shall be placed within 500 linear feet on the same side of the road, and parallel to such road, measured from the nearest edge of the sign face upon which the advertisement is placed to the nearest edge of a building or structure located on the real property of (i) a church, synagogue, mosque or other place of religious worship; (ii) a public, private, or parochial school, college, or university; (iii) a public or private playground or similar recreational facility; or (iv) a dwelling used for residential use. The bill provides that the provisions of ABC law relating to outdoor advertising of alcoholic beverages shall not apply to any sign that is included in the Integrated Directional Sign Program administered by the Virginia Department of Transportation or its agents. The bill sets out the penalties for violation. The bill contains technical amendments. Identical to SB 398. EMERGENCY.

HB 491 Derelict and blighted buildings; authorizes locality to serve as receiver to repair.
Adds § 15.2-907.2 to authorize a locality to serve as a receiver, appointed by the circuit court, to repair blighted and derelict buildings. Buildings must previously have been determined to be blighted under current spot blight provisions. The owner of the property may redeem the property subject to receivership during the receivership process or prior to sale and will be awarded any profits gained through sale at public auction. This bill is identical to SB 122.

HB 526 Helicopters; local regulation of use.
Adds § 15.2-2293.2 to provide that no local zoning ordinance shall impose a total ban on departures and landings by noncommercial helicopters for personal use. However, a locality may require a special permit under certain circumstances.

HB 570 Mortgage loan originators; exempts from licensing employees of bona fide nonprofit organizations.
Amends and adds §§ in Title 6.2 to exempt employees of bona fide nonprofit organizations from licensing and registration requirements applicable to mortgage loan originators. The State Corporation Commission is directed to prescribe, by regulation, procedures and criteria to be used to determine whether an organization is a bona fide nonprofit organization. Exemption includes local government and housing authority employees. This measure is a recommendation of the Virginia Housing Commission. Identical to SB 75.

HB 571 Housing crisis; extends sunset date for several measures related to various land use approvals, etc.
Amends §§ 15.2-2209.1 and 15.2-2303.1:1 of the Code of Virginia and to amend and reenact the second enactment of Chapter 193 of the Acts of Assembly of 2009, to extend the sunset date for several measures related to various land use approvals, the timing of cash proffer payments, and bonding requirements from July 1, 2014, to July 1, 2017. The bill also expands the scope of such measures that will be subject to the extension to include those measures approved by January 1, 2011.

HB 732 Transfer of development rights; ordinance may permit a sending property to be used for parks, etc.
Amends § 15.2-2316.2 to provide that a transfer of development rights ordinance may permit a sending property, subsequent to severance of development rights, to be used for parks and campgrounds.

HB 767 Small Business Jobs Grant Fund Program; developed to assist small businesses job creation.
Adds and repeals §§ in Title 2.2 to clarify that the Small Business Jobs Grant Fund Program is a component of the Virginia Jobs Investment Program. The bill also (i) authorizes the Secretary of Commerce and Trade to waive eligibility requirements, (ii) changes from 12 to 24 months the time period within which the five new positions must be created in order to qualify for a grant, (iii) requires a small business to be organized under Virginia law or maintain a principal place of business in Virginia, (iv) prohibits receiving more than one grant for the same position, and (v) requires the employee to be employed in the new full-time position for at least 90 days prior to the award of the grant.

HB 768 Virginia Jobs Investment Program; created, Dept. of Business Assistance to administer programs.
Amends, adds and repeals §§ in Title 2.2 to codify the Virginia Jobs Investment Program administered by the Department of Business Assistance and changes the name to the Virginia Jobs Investment Plan. The Plan comprises the following component programs: (i) the Virginia New Jobs Program, (ii) the Workforce Retraining Program, (iii) the Small Business New Jobs Program, and (iv) the Small Business Jobs Grant Fund Program. The bill also establishes general eligibility requirements for obtaining assistance under the Plan as well as requirements for the component programs under the Program.

HB 830 Arts and cultural districts; allows a locality to create more than one.
Amends § 15.2-1129.1 to allow a locality to create more than one arts and cultural district. The current language refers to the creation of a district in the singular.

HB 839 Defective drywall; redefines term.
Amends § 36-156.1 to redefine the term "defective drywall" to mean drywall or similar building material composed of dried gypsum-based plaster that (i) contains elemental sulfur exceeding 10 parts per million as has been found in

some drywall manufactured in the People's Republic of China and imported into the United States between 2004 and 2007 and, when exposed to heat, humidity, or both, releases elevated levels of hydrogen sulfide gas into the air or (ii) has been designated by the U.S. Consumer Product Safety Commission as a product with a defect that constitutes a substantial product hazard within the meaning of § 15(a)(2) of the Consumer Product Safety Act (15 U.S.C. § 2064(a)(2)).

HB 869 Urban development areas; makes designation optional rather than mandatory for all localities.
Amends § 15.2-2223.1 to make incorporation of urban development areas optional rather than mandatory. Currently urban development areas are mandatory for many higher growth localities. The bill also makes technical amendments. Identical to SB 274.

HB 910 Cash proffers; expands existing provisions that allow certain alternative uses.
Amends § 15.2-2303.2 to expand existing provisions that allow certain alternative uses of cash proffers to provide that such cash proffers may also be used for an alternative purpose if the functional purpose for which the cash payment was made no longer exists.

HB 1009 Land-disturbing activities; service of order for violation shall be posted on site, etc.
Amends § 10.1-566 to specify the means of serving an order for land disturbance where no plan has been approved or permit obtained, other than where an agricultural exemption applies. Current law refers only to an order for a failure to comply with a plan or permit.

HB 1059 Zoning Appeals, Board of; jurisdictions imposing civil penalties for violations of ordinances, etc.
Amends § 15.2-2311 to provide that a civil penalty shall not be assessed by the court during pendency of a 30-day appeal period.

HB 1076 Special use permit; locality may require permit for storage or disposal of certain waste.
Amends § 15.2-2288 to provide that a locality may require a special use permit for the storage or disposal of certain nonagricultural materials not generated on the farm or agriculturally zoned property.

HB 1111 Statewide Fire Prevention Code & Uniform Statewide Building Code; fees for enforcement and appeals.
Amends §§ 27-98 and 36-105 to define the term "defray the cost" for purposes of fees authorized to be collected by a locality for costs for enforcement and appeals of the application of the Statewide Fire Prevention Code and the Uniform Statewide Building Code. Under the bill, the cost may include the fair and reasonable costs incurred for such enforcement during normal business hours, but shall not include overtime costs, unless conducted outside of the normal working hours established by the locality. The bill provides that it does not prohibit a private entity from conducting the inspections provided the private entity has been approved in accordance with the written policy of the fire official or maintenance code official for the locality. A locality may not delay a tenant’s application for a building permit based on nonpayment of taxes of the property owner under certain circumstances.

HB 1137 Historic districts; any locality that establishes or expands district shall identify all landmarks.
Amends § 15.2-2306 to provide that before any locality designates by ordinance any building, structure, district, object, or site as part of a local historic district, public input is required, consistent with § 15.2-2204 of the Code of Virginia. The owners of such property proposed for designation shall be given written notice of the public hearing on the ordinance. A locality shall identify and inventory all structures being considered for inclusion in such a district and shall establish written criteria to be used in making such determination.

HB 1216 Zoning amendment; notice of proposed change to zoning ordinance that involve State or federal land.
Amends § 15.2-2204 to provide that when a proposed amendment to the zoning ordinance involves a tract of land of not less than 500 acres owned by the Commonwealth or by the federal government, and when the proposed change affects only a portion of the larger tract, notice need be given only to the owners of those properties that are adjacent to the affected area of the larger tract.

HB 1231 Onsite sewage systems; inspections.
Amends § 32.1-164.1 to clarify that if a licensed professional engineer or onsite soil evaluator does not inspect an onsite sewage system, the evaluation and design of which he certified, at the time of installation in a timely manner, or declines to certify that the installation was completed substantially in accordance with the evaluation and design, the owner may petition the Department of Health to inspect the installation and render a final case decision approving or disapproving the installation.

HB 1253 Cash proffers; prohibits locality from accepting those purporting to contain waiver of legal rights.
Amends §§ 15.2-2303.1:1 and 15.2-2303.3 to prohibit any locality from accepting certain proffers purporting to contain a waiver of legal rights against the locality. The bill deems any such waiver in an enacted proffer void and severable and protects any rezoning from challenge on the basis of a profferor's alleged violation of such a waiver provision. Emergency.

HB 1269 Zoning appeals, board of; appeals resulting in tie vote may be carried over until next meeting.
Amends § 15.2-2311 to provide that if certain votes of a local board of zoning appeals result in a tie vote, the person filing an appeal may have the matter carried over until the next meeting.

HB 1286 Capital projects, local; planning commission to study impact of public facilities, etc.
Amends § 15.2-2230.1 to provide that certain utility companies shall cooperate and coordinate in the relocation of certain utilities so as to avoid unnecessary delays in the construction of local capital projects.

HB 1287 Development; clarifies definition.
Amends § 15.2-2201 to replace "property" with "tract of land" for purposes of this definition.

HB 1294 Churches, synagogues, etc.; localities shall not charge any fee unless authorized by general law.
Adds § 15.2-108.1 to prohibit localities from charging any fee to any church, synagogue, or other place of worship unless authorized by general law or special act of the General Assembly.

SB 560 Sanitary districts; authorizes board of supervisors to construct and maintain dams within district.
Amends § 21-118.4 to authorize the board of supervisors of a sanitary district to construct and maintain dams within the district. Current law does not address dams but permits such boards to construct and maintain water supply systems, drainage systems, lighting systems, and other facilities. EMERGENCY.

SB 594 Localities; allowed to acquire land, not by condemnation, within their boundaries and towns, 3 miles outside.
Amends § 15.2-1802 to allow counties and cities to acquire land within their boundaries for development of business or industry by voluntary sale, but not by condemnation; retains current law to allow such land acquisition, within 3 miles of town boundary, by towns.