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SENATE BILL NO. 655

Senate Amendments in [] — February 10, 2000

A *BILL* to amend the Code of Virginia by adding a section numbered 15.2-2287.1, relating to disclosure in land use proceedings.

Patrons—Houck; Delegates: Dickinson and Katzen

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 15.2-2287.1 as follows:**

§ 15.2-2287.1. *Disclosures in land use proceedings; penalty.*

A. Each individual member of the governing body, the planning commission, and the board of zoning appeals in any proceeding before each such body involving an application for a special exception or variance or involving an application for amendment of a zoning ordinance, which does not constitute the adoption of a comprehensive zoning plan or ordinance applicable throughout the locality, shall, prior to any hearing on the matter or at such hearing, make a full public disclosure of any business or financial relationship which such member has, or has had within the twelve-month period prior to such hearing, (i) with the applicant in such case, (ii) with the title owner, contract purchaser or lessee of the land that is the subject of the application, (iii) if any of the foregoing is a trustee (other than a trustee under a corporate mortgage or deed of trust securing one or more issues of corporate mortgage bonds), with any trust beneficiary having an interest in such land, and (iv) with the agent, attorney [representing any of the foregoing in such proceeding,] or real estate broker of any of the foregoing. For the purpose of this subsection, "business or financial relationship" means any relationship, other than any ordinary customer or depositor relationship with a retail establishment, public utility or bank, such member, or any member of the member's immediate household, either directly or by way of a partnership [, other than a limited partnership] in which any of them is a partner, employee, agent or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent or attorney or holds ten percent or more of the outstanding bonds or shares of stock of a particular class, has, or has had within the twelve-month period prior to such hearing, with the applicant in the case, or with the title owner, contract purchaser or lessee of the subject land, or with any of the other persons above specified. For the purpose of this subsection "business or financial relationship" also means the receipt by the member, or by any person, firm, [limited partnership,] corporation or committee on his behalf from the applicant in the case or from the title owner, contract purchaser or lessee of the subject land, or from any of the other persons above specified, during the twelve-month period prior to the hearing in such case, of any gift or donation having a value of \$200 or more.

If at the time of the hearing in any such case such member has a business or financial [~~interest~~ relationship] with the applicant in the case or with the title owner, contract purchaser or lessee of the subject land or with any of the other persons above specified involving the relationship of employee-employer, agent-principal, or attorney-client, that member shall, prior to any hearing on the matter or at such hearing, make a full public disclosure of such relationship and shall be ineligible to vote or participate in any way in such case or in any hearing thereon [; unless, he states in writing, under oath, that such business or financial relationship shall not affect or influence his vote in such case] .

B. In any case described in subsection A pending before the governing body, planning commission or board of zoning appeals, the applicant in the case shall, prior to any hearing on the matter, file with the governing body, commission or board a statement in writing and under oath identifying by name and last known address each person, corporation, partnership or other association specified in the first paragraph of subsection A. The requirements of this section shall be applicable only with respect to those so identified.

C. Any person knowingly and willfully violating the provisions of this section, shall be guilty of a Class 1 misdemeanor.

ENGROSSED

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