

## VIRGINIA ACTS OF ASSEMBLY — CHAPTER

*An Act to amend and reenact §§ 15.2-5152, 15.2-5153 and 15.2-5158 of the Code of Virginia, relating to community development authorities.*

[H 2381]

Approved

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 15.2-5152, 15.2-5153 and 15.2-5158 of the Code of Virginia are amended and reenacted as follows:**

§ 15.2-5152. Localities may consider petitions for creation of authority.

A. Any city may consider petitions for the creation of community development authorities, a public body politic and corporate and political subdivision of the Commonwealth, in accordance with this article.

B. Any town may by ordinance elect to assume the power to consider petitions for the creation of community development authorities in accordance with this article. A public hearing shall be held on such ordinance.

C. ~~The following counties may consider petitions for the creation of community development authorities in accordance with this article:~~

1. ~~Any county with a population of at least 75,000;~~

2. ~~Any county with a population of less than 50,000 through which an interstate highway passes; and~~

3. ~~Any county with a population between 50,000 and 75,000 through which an interstate highway passes.~~

D. ~~Any county not listed in subsection C may by ordinance elect to assume the power to consider petitions for the creation of community development authorities in accordance with this article. A public hearing shall be held on such ordinance.~~

§ 15.2-5153. Landowners may petition localities.

The owners of at least 51 percent of the land area or assessed value of land in the following tracts may, by petitioning the locality or localities in which the tract is located, propose the creation of a community development authority:

1. Any tract of any size in any city;

2. Any tract of any size in any town which has elected to consider such petitions pursuant to subsection B of § 15.2-5152;

3. Any tract containing at least 250 acres in any county with a population of at least 75,000;

4. Any tract containing at least 250 acres, a portion of which lies within two miles of the centerline of the right-of-way of an interstate highway, in any county with a population of less than 50,000;

5. Any tract containing at least 250 acres in any county with a population between 50,000 and 75,000 through which an interstate highway passes; and

6. Any tract of any size in any county ~~not listed in subdivisions 3, 4 or 5 of this section which has elected to consider such petitions pursuant to subsection C of § 15.2-5152.~~

However, in the counties listed in subdivisions 3, 4 and 5 of this section, the minimum acreage required for a proposed authority district shall be 100 acres for commercial property or for mixed use commercial-zoned and residential-zoned property. Counties over 50,000 in population may modify minimum district size limits where amounts financed equal or exceed \$3 million.

§ 15.2-5158. Additional powers of community development authorities.

A. Each community development authority created under this article, in addition to the powers provided in Article 3 (§ 15.2-5110 et seq.) of Chapter 51 of this title, may:

1. Subject to any statutory or regulatory jurisdiction and permitting authority of all applicable governmental bodies and agencies having authority with respect to any area included therein, finance, fund, plan, establish, acquire, construct or reconstruct, enlarge, extend, equip, operate, and maintain the infrastructure improvements enumerated in the ordinance or resolution establishing the district, as necessary to meet the increased demands placed upon the locality as a result of development within the district, including, but not limited to:

a. Roads, bridges, parking facilities, curbs, gutters, sidewalks, traffic signals, storm water management and retention systems, gas and electric lines and street lights within or serving the district which meet or exceed the specifications of the locality in which the roads are located.

b. Parks and facilities for indoor and outdoor recreational, cultural and educational uses; entrance

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58 areas; security facilities; fencing and landscaping improvements throughout the district.

59 c. Fire prevention and control systems, including fire stations, water mains and plugs, fire trucks,  
60 rescue vehicles and other vehicles and equipment.

61 d. School buildings and related structures, which may be leased, sold or donated to the school  
62 district, for use in the educational system when authorized by the local governing body and the school  
63 board.

64 e. Infrastructure and recreational facilities for age-restricted active adult communities, and any other  
65 necessary infrastructure improvements as provided above, with a minimum population approved under  
66 local zoning laws of 1,000 residents. Such development may include security facilities and systems or  
67 measures which control or restrict access to such community and its improvements.

68 2. Issue revenue bonds of the development authority as provided in § 15.2-5125, including but not  
69 limited to refunding bonds, subject to such limitation in amount, and terms and conditions regarding  
70 capitalized interest, reserve funds, contingent funds, and investment restrictions, as may be established in  
71 the ordinance or resolution establishing the district, for all costs associated with the improvements  
72 enumerated in subdivision 1 of this subsection. Such revenue bonds shall be payable solely from  
73 revenues received by the development authority. The revenue bonds issued by a development authority  
74 shall not require the consent of the locality, except where consent is specifically required by the  
75 provisions of the resolution authorizing the collection of revenues and/or the trust agreement securing  
76 the same, and shall not be deemed to constitute a debt, liability, or obligation of any other political  
77 subdivision, and shall not impact upon the debt capacity of any other political subdivision.

78 3. Request annually that the locality levy and collect a special tax on taxable real property within the  
79 development authority's jurisdiction to finance the services and facilities provided by the authority.  
80 Notwithstanding the provisions of Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1, any such  
81 special tax imposed by the locality shall be levied upon the assessed fair market value of the taxable  
82 real property. Unless requested by every property owner within the proposed district, the rate of the  
83 special tax shall not be more than \$.25 per \$100 of the assessed fair market value of any taxable real  
84 estate or the assessable value of taxable leasehold property as specified by § 58.1-3203. The special  
85 taxes shall be collected at the same time and in the same manner as the locality's taxes are collected,  
86 and the proceeds shall be kept in a separate account and be used only for the purposes provided in this  
87 chapter. All revenues received by the locality from such special tax shall be paid over to the  
88 development authority for its use pursuant to this chapter subject to annual appropriation. No other funds  
89 of the locality shall be loaned or paid to the development authority without the prior approval of the  
90 local governing body.

91 4. Provide special services, including: garbage and trash removal and disposal, street cleaning, snow  
92 removal, extra security personnel and equipment, recreational management and supervision, and grounds  
93 keeping.

94 5. Finance the services and facilities it provides to abutting property within the district by special  
95 assessment thereon imposed by the local governing body. All assessments pursuant to this section shall  
96 be subject to the laws pertaining to assessments under Article 2 (§ 15.2-2404 et seq.) of Chapter 24;  
97 provided that any other provision of law notwithstanding, (i) the taxes or assessments shall not exceed  
98 the full cost of the improvements, including without limitation the legal, financial and other directly  
99 attributable costs of creating the district and the planning, designing, operating and financing of the  
100 improvements which include administration of the collection and payment of the assessments and reserve  
101 funds permitted by applicable law; (ii) the taxes or assessments may be imposed upon abutting land  
102 which is later subdivided in accordance with the terms of the ordinance forming the district, in amounts  
103 which do not exceed the peculiar benefits of the improvements to the abutting land as subdivided; and  
104 (iii) the taxes or assessments may be made subject to installment payments for up to 40 years in an  
105 amount calculated to cover principal, interest and administrative costs in connection with any financing  
106 by the authority, without a penalty for prepayment. Notwithstanding any other provision of law, any  
107 assessments made pursuant to this section may be made effective as a lien upon a specified date, by  
108 ordinance, but such assessments may not thereafter be modified in a manner inconsistent with the terms  
109 of the debt instruments financing the improvements. All assessments pursuant to this section may also  
110 be made subject to installment payments and other provisions allowed for local assessments under this  
111 section or under Article 2 of Chapter 24. All revenues received by the locality pursuant to any such  
112 special assessments which the locality elects to impose upon request of the development authority shall  
113 be paid over to the development authority for its use under this chapter, subject to annual appropriation,  
114 and may be used for no other purposes.

115 6. Purchase development rights that will be dedicated as easements for conservation, open space or  
116 other purposes pursuant to the Open-Space Land Act (§ 10.1-1700 et seq.). For purposes of this  
117 subdivision, "development rights" means the level and quantity of development permitted by the zoning  
118 ordinance expressed in terms of housing units per acre, floor area ratio or equivalent local measure. An

119 authority shall not use the power of condemnation to acquire development rights.

120 7. *Subject to any statutory or regulatory jurisdiction and permitting authority of all applicable*  
121 *governmental bodies and agencies having authority with respect to any area included therein, finance*  
122 *and fund the acquisition of land within the district. All financing authority and methods provided by*  
123 *subsections 2, 3, 4, 5, and 6 shall be permitted for the acquisition of land as provided herein.*

124 B. Nothing contained in this chapter shall relieve the local governing body of its general obligations  
125 to provide services and facilities to the district to the same extent as would otherwise be provided were  
126 the district not formed.

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