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SENATE BILL NO. 459

Offered January 11, 2006

Prefiled January 11, 2006

A BILL to amend and reenact § 15.2-852 of the Code of Virginia, relating to disclosures in land use proceedings.

Patron—Devolites Davis

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:**1. That § 15.2-852 of the Code of Virginia is amended and reenacted as follows:**

§ 15.2-852. Disclosures in land use proceedings.

A. Each individual member of the board of supervisors, 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 county, 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 12-month period prior to such hearing, (i) with the applicant in such case, or (ii) with the title owner, contract purchaser or lessee of the land that is the subject of the application, or (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, or (iv) with the agent, attorney 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 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 10 percent % or more of the outstanding bonds or shares of stock of a particular class, has, or has had within the 12-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, corporation or committee in 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 12-month period prior to the hearing in such case, of any gift or donation having a value of more than \$100, singularly or in the aggregate.

If at the time of the hearing in any such case such member has a business or financial interest 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.

B. In any case described in subsection A pending before the board of supervisors, planning commission or board of zoning appeals, the applicant in the case shall, prior to any hearing on the matter, file with the board or commission 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. Each individual member of the board of supervisors in any proceeding involving a proposed amendment to the comprehensive plan shall, at or before any such proceeding, make a full public disclosure of any business or financial relationship that such member has, or has had since the local planning commission commenced preparation of such proposed amendment to the comprehensive plan, (i) with the title owner, contract purchaser, lessee or developer of any land, or any other interested party, affected by the proposed amendment; or (ii) 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; or (iii) with an agent, attorney, real estate broker or member of the immediate family or household of, or person having a close financial association with, any of the foregoing. For the purpose of this subsection, "business or financial

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59 *relationship" means the receipt by the member, or by any person, firm, corporation or committee on his*
60 *behalf from the title owner, contract purchaser, lessee or developer of any land, or any other interested*
61 *party, affected by the proposed amendment, or from any of the other persons above specified, since the*
62 *local planning commission commenced preparation of the proposed amendment to the comprehensive*
63 *plan, of any gift or donation having a value of more than \$99, singularly or in the aggregate. For the*
64 *purpose of this subsection, "close financial association" means any relationship (other than any ordinary*
65 *customer or depositor relationship with a retail establishment, public utility or bank) any person, either*
66 *directly or by way of a partnership in which he is a partner, employee, agent, or attorney, or through*
67 *his partner, or through a corporation in which he is an officer, director, employee, agent, or attorney or*
68 *holds 10% percent or more of the outstanding bonds or shares of stock of a particular class, has, or*
69 *has had since the local planning commission commenced preparation of the proposed amendment to the*
70 *comprehensive plan, with the title owner, contract purchaser, lessee or developer of any land, or any*
71 *other interested party, affected by the proposed amendment, or with any of the other persons above*
72 *specified.*

73 *ED. Any person knowingly and willfully violating the provisions of this section shall be guilty of a*
74 *Class 1 misdemeanor.*