

2007 SESSION

INTRODUCED

071625396

HOUSE BILL NO. 1884

Offered January 10, 2007

Prefiled January 4, 2007

A *BILL to amend the Code of Virginia by adding a section numbered 22.1-95.1, relating to public school funds.*

Patron—Marshall, R.G.

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-95.1 as follows:

§ 22.1-95.1. Impact fees.

Any locality may by ordinance assess impact fees for residential development when the locality determines that existing school facilities in such locality are inadequate to support new residential development, provided that the school board of a school division comprising such locality adopts, prior to any such assessment, a resolution declaring that such school facilities are inadequate to support such new residential development. The locality shall make the aforementioned determination at the time of submission of a plat or plan, or a preliminary plat or plan where preliminary plats or plans are required, and fees shall be assessed no later than at the time the building permit is issued. Prior to any assessment of impact fees, the locality shall have in place a capital improvement program that provides a reasonable basis for determining the extent or level of inadequacy of such school facilities in the area of the proposed residential development. Any fee assessed shall represent a pro rata share of the costs of reasonable and necessary capital improvements attributable to the proposed residential development. A locality may only assess impact fees under this section against persons constructing five or more residential structures per calendar year in such locality.

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