

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 10.1-1230 of the Code of Virginia, relating to the definition of bona fide*
3 *prospective purchaser of a brownfield site.*

4 [H 968]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 10.1-1230 of the Code of Virginia is amended and reenacted as follows:**8 **§ 10.1-1230. Definitions.**

9 As used in this chapter:

10 "Authority" means the Virginia Resources Authority.

11 "Bona fide prospective purchaser" means a person *or a tenant of a person* who acquires ownership,
12 or proposes to acquire ownership, of, real property after the release of hazardous substances occurred.13 "Brownfield" means real property; the expansion, redevelopment, or reuse of which may be
14 complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.15 "Cost" as applied to any project financed under the provisions of this chapter, means the reasonable
16 and necessary costs incurred for carrying out all works and undertakings necessary or incident to the
17 accomplishment of any project. It includes, without limitation, all necessary developmental, planning and
18 feasibility studies, surveys, plans and specifications; architectural, engineering, financial, legal or other
19 special services; site assessments, remediation, containment, and demolition or removal of existing
20 structures; the costs of acquisition of land and any buildings and improvements thereon, including the
21 discharge of any obligation of the seller of such land, buildings or improvements; labor; materials,
22 machinery and equipment; the funding of accounts and reserves that the Authority may require; the
23 reasonable costs of financing incurred by the local government in the course of the development of the
24 project; carrying charges incurred prior to completion of the project, and the cost of other items that the
25 Authority determines to be reasonable and necessary.

26 "Department" means the Department of Environmental Quality.

27 "Director" means the Director of the Department of Environmental Quality.

28 "Fund" means the Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund.

29 "Innocent land owner" means a person who holds any title, security interest or any other interest in a
30 brownfield site and who acquired ownership of the real property after the release of hazardous
31 substances occurred.32 "Local government" means any county, city, town, municipal corporation, authority, district,
33 commission, or political subdivision of the Commonwealth created by the General Assembly or
34 otherwise created pursuant to the laws of the Commonwealth or any combination of the foregoing.

35 "Partnership" means the Virginia Economic Development Partnership.

36 "Person" means an individual, corporation, partnership, association, governmental body, municipal
37 corporation, public service authority, or any other legal entity.38 "Project" means all or any part of the following activities necessary or desirable for the restoration
39 and redevelopment of a brownfield site: (i) environmental or cultural resource site assessments, (ii)
40 monitoring, remediation, cleanup, or containment of property to remove hazardous substances, hazardous
41 wastes, solid wastes or petroleum, (iii) the lawful and necessary removal of human remains, the
42 appropriate treatment of grave sites, and the appropriate and necessary treatment of significant
43 archaeological resources, or the stabilization or restoration of structures listed on or eligible for the
44 Virginia Historic Landmarks Register, (iv) demolition and removal of existing structures, or other site
45 work necessary to make a site or certain real property usable for economic development, and (v)
46 development of a remediation and reuse plan.

ENROLLED

HB968ER