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SENATE BILL NO. 1257

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Local Government
on January 27, 2015)

(Patrons Prior to Substitute—Senators Smith, Cosgrove [SB 726], and Obenshain [SB 1065])

A BILL to amend and reenact § 15.2-2303.1:1 of the Code of Virginia and to repeal the second enactment of Chapter 193 of the Acts of Assembly of 2009, as amended by Chapter 508 of the Acts of Assembly of 2012, relating to cash proffers; sunset date.

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2303.1:1 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2303.1:1. When certain cash proffers collected or accepted.

A. Notwithstanding the provisions of any cash proffer requested, offered, or accepted pursuant to § 15.2-2298, 15.2-2303, or 15.2-2303.1 for residential construction on a per-dwelling unit or per-home basis, cash payment made pursuant to such a cash proffer shall be collected or accepted by any locality only after completion of the final inspection and prior to the time of the issuance of any certificate of occupancy for the subject property.

B. Notwithstanding the provisions of any proffer to the contrary, the assertion of a right to delayed payment of cash proffers pursuant to this section shall not constitute cause for any action pursuant to § 15.2-2299.

C. In addition to any other relief provided, the court may award reasonable attorney fees, expenses, and court costs to any person, group, or entity that prevails in an action successfully challenging an ordinance, administrative or other action as being in conflict with this section.

~~D. The provisions of this section shall expire on July 1, 2017.~~

2. That the second enactment of Chapter 193 of the Acts of Assembly of 2009, as amended by Chapter 508 of the Acts of Assembly of 2012, is repealed.