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**HOUSE BILL NO. 1103**

Offered January 10, 2018

Prefiled January 10, 2018

A *BILL to amend the Code of Virginia by adding a section numbered 44-146.28:3, relating to emergencies; Department of Emergency Management; waiver of permit fees.*

Patron—Stolle

Referred to Committee on Militia, Police and Public Safety

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 44-146.28:3 as follows:****§ 15.2-984. Waiver of certain permit fees after a declared emergency.**

A locality may by ordinance provide for the waiver of local permit fees for small businesses granted a certificate under the provisions of § 44-146.28:3 for the purpose of assisting with the restoration and renovation of small businesses significantly affected by a declared emergency.

**§ 44-146.28:3. Waiver of certain permit fees.**

A. For the purposes of this section:

"Department" means the Department of Emergency Management Services.

"Permit fee" means any payment or payments of money in exchange for the whole or part of any local or state agency permit or approval, or any form or permission authorized under law, and required by law before engaging in activity associated with or involving the reopening or restoration of a significantly affected small business in the Commonwealth including building permits and inspection fees.

"Small business" means an independently owned and operated business that, together with affiliates, has 250 or fewer employees or average annual gross receipts of \$10 million or less averaged over the previous three years.

"Significantly affected" means substantial injury or harm to persons or damage to or loss of property as a direct result of a disaster, emergency, local emergency, or major disaster.

"State agency" means any authority, board, department, instrumentality, institution, agency, or other unit of state government. "State agency" does not include any county, city, or town.

B. Whenever the Governor declares a state of emergency pursuant to § 44-146.17, or a local governing body declares a local emergency pursuant to § 44-146.21, all permit fees charged by a state agency shall be waived for a period of 180 days following the date of the declaration for any small business that has been significantly affected as determined by the Department.

C. Any small business may apply to the Department to receive a certificate entitling it to have permit fees waived during the 180 days subsequent to the declaration. The Department of Emergency Management shall develop criteria for determining whether an applicant qualifies for such a certificate. A small business meeting the criteria developed by the Department shall be entitled to receive a certificate. The certificate shall indicate the expiration date of the business's waiver period and cite the authority of this section to require that permit fees be waived.

D. All state agencies that charge permit fees shall honor the certificates issued pursuant to this section. No state agency that charges permit fees will be allowed to recoup any losses resulting from a waiver granted pursuant to subsection B after the expiration of the waiver period. However, if permits are offered for multiple periods of time, the state or local government entity issuing such permit shall only be required to waive the permit fee for a certificate holder for the permit offered for the shortest period of time that covers the waiver period indicated on the certificate.

INTRODUCED

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