

2023 SESSION

HOUSE SUBSTITUTE

23106684D

SENATE BILL NO. 1495

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 20, 2023)

(Patron Prior to Substitute—Senator Surovell)

A BILL to amend the Code of Virginia by adding a section numbered 15.2-2208.2, relating to local enforcement action; willful disregard for applicable law; damages.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2208.2 as follows:

§ 15.2-2208.2. *Damages for an enforcement action undertaken by a locality with willful disregard for applicable law.*

A. Notwithstanding any other provision of law, general or special, any person against whom an enforcement action is carried out by a locality, of any ordinance or regulation developed pursuant to the authority of the provisions of this chapter, where the enforcement action was based upon a willful disregard for applicable law, regulation, or ordinance, shall be entitled to an award of compensatory damages and to an order remanding the matter to the locality with a direction to carry out any further enforcement in a manner consistent with the law, regulation, or ordinance and may be entitled to reasonable attorney fees and court costs.

B. Any action brought pursuant to this section may be filed with the general district court having jurisdiction of the locality, and the court shall hear and determine the case as soon as practical. Nothing in this section shall be construed to abrogate a claim of qualified immunity.

2. That the provisions of this act shall apply only to enforcement actions taken on or after July 1, 2023.

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SB1495H1