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**HOUSE BILL NO. 2489**

Offered January 10, 2007

Prefiled January 9, 2007

A *BILL to amend the Code of Virginia by adding in Article 1 of Chapter 22 of Title 15.2 a section numbered 15.2-2209.1, relating to time limit for certain construction.*

Patrons—Bulova, Englin, Marsden and Sickles; Senator: Whipple

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 in Article 1 of Chapter 22 of Title 15.2 a section numbered 15.2-2209.1 as follows:**

*§ 15.2-2209.1. Time limit for construction of single-family dwellings.*

*A. Notwithstanding the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.), any local governing body may adopt an ordinance establishing a reasonable time limit for the construction of a single-family detached dwelling unit, or any exterior addition or modification to a single-family detached dwelling unit, located on a lot equal to or smaller than one acre in size or that is located 200 feet or less from the next closest single-family detached dwelling unit. Such time limit shall take into account factors that are appropriate for single-family detached construction projects, including, but not limited to, the size of the structure, site conditions, location, construction materials, weather conditions, and inspection procedures.*

*B. Any local ordinance adopted pursuant to subdivision A must provide for the following:*

*1. In no case shall the time limit for construction be less than three years from the issuance of the initial building permit for the project.*

*2. All building permits for single-family detached dwelling units, or any exterior addition or modification to single-family detached dwelling units, issued after ordinance adoption must include a statement that the project is subject to time limits and provide the time limit adopted by the local governing body.*

*3. For projects where the initial building permit was issued before local ordinance adoption, the time limit for construction shall begin when the local governing body provides written notice to the property owner stating: (i) that the property is subject to time limits, (ii) the date certain when the project must be completed, and (iii) where to obtain additional information.*

*4. At least one year prior to initiating enforcement action in accordance with subsections D and E, the local governing body must notify the property owner in writing stating: (i) that the property is subject to time limits; (ii) the date certain when the project must be completed; (iii) the remedies available to the local government; and (iv) where to obtain additional information.*

*5. Notification shall be deemed sufficient if sent by United States mail, postage prepaid, provided that the sender retains sufficient proof of mailing, which may be either a United States postal certificate of mailing or a certificate of service confirming such mailing prepared by the sender.*

*C. The local governing body may grant extensions upon finding that the owner is diligently pursuing completion. The granting of an extension shall not have the effect of extending the time frame for completion should the local governing body determine that the owner has ceased to diligently pursue completion.*

*D. Should the owner of a regulated property not complete a project by the specified time period, the local governing body may bring the case before a judge of the circuit court, who shall establish a reasonable schedule for completion of the project. Should the property owner fail to meet the schedule, the owner shall be held in contempt of the circuit court.*

*E. In addition to, or in lieu of, the provisions in subsection D, should the owner of a regulated property not complete a project by the specified time period, the local governing body may take the following steps:*

*1. The local governing body may require a landscape plan that screens the construction area from neighboring properties. The locality shall use the same screening requirements that are employed for buffering new commercial construction from residential areas.*

*2. The local governing body may require the owner to develop and implement a Storm Water Pollution Prevention Plan in accordance with a Virginia Stormwater Management Program General Permit for Discharges of Stormwater from Construction Activities regardless of the size of the property or the land area disturbed. Failure to comply with this requirement shall be deemed a violation of 4 VAC 50-60-10.*

INTRODUCED

HB2489