

# 2010 SESSION

INTRODUCED

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## SENATE BILL NO. 640

Offered January 19, 2010

A BILL to amend and reenact § 15.2-2303.3 of the Code of Virginia, relating to cash proffer guidelines.

Patron—Martin

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2303.3 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2303.3. Cash proffers requested or accepted by a locality.

A. No locality may require payment of a cash proffer prior to payment of any fees for the issuance of a building permit for construction on property that is the subject of a rezoning. However, a landowner petitioning for a zoning change may voluntarily agree to an earlier payment, pursuant to §§ 15.2-2298 and 15.2-2303. If the petitioner voluntarily agrees to an earlier payment, the proffered condition may be enforced as to the petitioner and any successor in interest according to its terms as part of an approved rezoning.

B. No locality shall either request or accept a cash proffer whose amount is scheduled to increase annually, from the time of proffer until tender of payment, by a percentage greater than the annual rate of inflation, as calculated by referring to the Consumer Price Index for all urban consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, Bureau of Labor Statistics or the Marshall and Swift Building Cost Index.

C. No locality shall establish any rate policy or guideline, however described or delineated, regarding the amount and timing of the payment of cash proffers to such locality pursuant to § 15.2-2298, § 15.2-2303, or § 15.2-2303.1 unless such rate policy or guideline is established by ordinance enacted pursuant to the provisions of § 15.2-2204.

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