

# VIRGINIA ACTS OF ASSEMBLY -- 2012 SESSION

## CHAPTER 508

*An Act to amend and reenact §§ 15.2-2209.1 and 15.2-2303.1:1 of the Code of Virginia and to amend and reenact the second enactment of Chapter 193 of the Acts of Assembly of 2009, relating to extension of measures to address housing crisis.*

[H 571]

Approved April 4, 2012

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 15.2-2209.1 and 15.2-2303.1:1 of the Code of Virginia are amended and reenacted as follows:**

§ 15.2-2209.1. Extension of approvals to address housing crisis.

A. Notwithstanding the time limits for validity set out in § 15.2-2260 or 15.2-2261, or the provisions of subsection F of § 15.2-2260, any subdivision plat valid under § 15.2-2260 and outstanding as of January 1, ~~2009~~ 2011, and any recorded plat or final site plan valid under § 15.2-2261 and outstanding as of January 1, ~~2009~~ 2011, shall remain valid until July 1, ~~2014~~ 2017, or such later date provided for by the terms of the locality's approval, local ordinance, resolution or regulation, or for a longer period as agreed to by the locality. Any other plan or permit associated with such plat or site plan extended by this subsection shall likewise be extended for the same time period.

B. Notwithstanding any other provision of this chapter, for any valid special exception, special use permit, or conditional use permit outstanding as of January 1, ~~2009~~ 2011, and related to new residential or commercial development, any deadline in the exception permit, or in the local zoning ordinance that requires the landowner or developer to commence the project or to incur significant expenses related to improvements for the project within a certain time, shall be extended until July 1, ~~2014~~ 2017, or longer as agreed to by the locality. The provisions of this subsection shall not apply to any requirement that a use authorized pursuant to a special exception, special use permit, conditional use permit, or other agreement or zoning action be terminated or ended by a certain date or within a set number of years.

C. Notwithstanding any other provision of this chapter, for any rezoning action approved pursuant to § 15.2-2297, 15.2-2298, or 15.2-2303, valid and outstanding as of January 1, ~~2009~~ 2011, and related to new residential or commercial development, any proffered condition that requires the landowner or developer to incur significant expenses upon an event related to a stage or level of development shall be extended until July 1, ~~2014~~ 2017, or longer as agreed to by the locality. However, the extensions in this subsection shall not apply (i) to land or right-of-way dedications pursuant to § 15.2-2297, 15.2-2298, or 15.2-2303, (ii) when completion of the event related to the stage or level of development has occurred, or (iii) to events required to occur on a specified date certain or within a specified time period. Any proffered condition included in a special exception, special use permit, or conditional use permit shall only be extended if it satisfies the provisions of this subsection.

D. The extension of validity provided in subsection A and the extension of certain deadlines as provided in subsection B shall not be effective unless any *unreleased* performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force; however, if the locality has enacted a bonding moratorium or deferral option, the performance bonds and agreements or other financial guarantees of completion may be waived or modified by the locality, in which case the extension of validity provided in subsection A and the extension of certain deadlines provided in subsection B shall apply. The landowner or developer must comply with the terms of any bonding moratorium or deferral agreement with the locality in order for the extensions referred to in this subsection to be effective.

§ 15.2-2303.1:1. (Expires July 1, 2017) 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. 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.

C. The provisions of this section shall expire on July 1, ~~2015~~ 2017.

**2. That the second enactment of Chapter 193 of the Acts of Assembly of 2009 is amended and reenacted as follows:**

**2. That the provisions of this act shall expire on July 1, ~~2014~~ 2017; however, any certified check, cash escrow, bond, or letter of credit offered or renewed after July 1, ~~2009~~ 2011, and**

**prior to July 1, ~~2014~~ 2017, and meeting the requirements of this statute shall be deemed to continue to meet the requirements of subdivision 5 of § 15.2-2241 of the Code of Virginia after expiration of this act.**