2014 SESSION

ENROLLED

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VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend and reenact §§ 15.2-852 and 15.2-2287.1 of the Code of Virginia, relating to disclosures in land use proceedings.

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Approved

6 Be it enacted by the General Assembly of Virginia:

7 1. That §§ 15.2-852 and 15.2-2287.1 of the Code of Virginia are amended and reenacted as follows:
 § 15.2-852. Disclosures in land use proceedings.

9 A. Each individual member of the board of supervisors, the planning commission, and the board of 10 zoning appeals in any proceeding before each such body involving an application for a special exception or variance or involving an application for amendment of a zoning ordinance map, which does not 11 constitute the adoption of a comprehensive zoning plan, an ordinance applicable throughout the county, 12 13 or an application filed by the board of supervisors that involves more than 10 parcels that are owned by different individuals, trusts, corporations, or other entities, shall, prior to any hearing on the matter or at 14 15 such hearing, make a full public disclosure of any business or financial relationship which such member has, or has had within the 12-month period prior to such hearing, (i) with the applicant in such case, or 16 17 (ii) with the title owner, contract purchaser or lessee of the land that is the subject of the application, except, in the case of a condominium, with the title owner, contract purchaser, or lessee of 10% or more 18 19 of the units in the condominium, or (iii) if any of the foregoing is a trustee (other than a trustee under a 20 corporate mortgage or deed of trust securing one or more issues of corporate mortgage bonds), with any 21 trust beneficiary having an interest in such land, or (iv) with the agent, attorney or real estate broker of any of the foregoing. For the purpose of this subsection, "business or financial relationship" means any 22 23 relationship (other than any ordinary customer or depositor relationship with a retail establishment, 24 public utility or bank) such member, or any member of the member's immediate household, either 25 directly or by way of a partnership in which any of them is a partner, employee, agent or attorney, or 26 through a partner of any of them, or through a corporation in which any of them is an officer, director, 27 employee, agent or attorney or holds 10 percent or more of the outstanding bonds or shares of stock of a particular class, has, or has had within the 12-month period prior to such hearing, with the applicant in 28 29 the case, or with the title owner, contract purchaser or lessee of the subject land, except, in the case of a 30 condominium, with the title owner, contract purchaser, or lessee of 10% or more of the units in the 31 condominium, or with any of the other persons above specified. For the purpose of this subsection 32 "business or financial relationship" also means the receipt by the member, or by any person, firm, 33 corporation or committee in his behalf from the applicant in the case or from the title owner, contract 34 purchaser or lessee of the subject land, except, in the case of a condominium, with the title owner, 35 contract purchaser, or lessee of 10% or more of the units in the condominium, or from any of the other 36 persons above specified, during the 12-month period prior to the hearing in such case, of any gift or donation having a value of more than \$100, singularly or in the aggregate. 37

38 If at the time of the hearing in any such case such member has a business or financial interest 39 relationship of employee-employer, agent-principal, or attorney-client with the applicant in the case or 40 with the title owner, contract purchaser or lessee of the subject land except, in the case of a 41 condominium, with the title owner, contract purchaser, or lessee of 10% or more of the units in the 42 condominium, or with any of the other persons above specified involving the relationship of 43 employee employer, agent principal, or attorney client, that member shall, prior to any hearing on the matter or at such hearing, make a full public disclosure of such employee-employer, agent-principal, or 44 45 attorney-client relationship and shall be ineligible to vote or participate in any way in such case or in 46 any hearing thereon.

B. In any case described in subsection A pending before the board of supervisors, planning
commission or board of zoning appeals, the applicant in the case shall, prior to any hearing on the
matter, file with the board or commission a statement in writing and under oath identifying by name and
last known address each person, corporation, partnership or other association specified in the first
paragraph of subsection A. The requirements of this section shall be applicable only with respect to
those so identified.

53 C. Any person knowingly and willfully violating the provisions of this section shall be guilty of a 54 Class 1 misdemeanor.

55 § 15.2-2287.1. Disclosures in land use proceedings.

56 A. The provisions of this section shall apply in their entirety to the County of Loudoun.

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57 B. Each individual member of the board of supervisors, the planning commission, and the board of 58 zoning appeals in any proceeding before each such body involving an application for a special exception 59 or variance or involving an application for amendment of a zoning ordinance map, which does not 60 constitute the adoption of a comprehensive zoning plan, an ordinance applicable throughout the locality, 61 or an application filed by the board of supervisors that involves more than 10 parcels that are owned by 62 different individuals, trusts, corporations, or other entities, shall, prior to any hearing on the matter or at such hearing, make a full public disclosure of any business or financial relationship that such member 63 64 has, or has had within the 12-month period prior to such hearing, (i) with the applicant in such case; or 65 (ii) with the title owner, contract purchaser or lessee of the land that is the subject of the application, 66 except, in the case of a condominium, with the title owner, contract purchaser, or lessee of 10 percent or more of the units in the condominium; or (iii) if any of the foregoing is a trustee (other than a trustee 67 under a corporate mortgage or deed of trust securing one or more issues of corporate mortgage bonds), 68 with any trust beneficiary having an interest in such land; or (iv) with the agent, attorney or real estate 69 broker of any of the foregoing. For the purpose of this subsection, "business or financial relationship" 70 71 means any relationship (other than any ordinary customer or depositor relationship with a retail 72 establishment, public utility, or bank) such member, or any member of the member's immediate 73 household, either directly or by way of a partnership in which any of them is a partner, employee, 74 agent, or attorney, or through a partner of any of them, or through a corporation in which any of them 75 is an officer, director, employee, agent, or attorney or holds 10 percent or more of the outstanding bonds 76 or shares of stock of a particular class, has, or has had within the 12-month period prior to such hearing, 77 with the applicant in the case, or with the title owner, contract purchaser, or lessee of the subject land, 78 except, in the case of a condominium, with the title owner, contract purchaser, or lessee of 10 percent or 79 more of the units in the condominium, or with any of the other persons above specified. For the purpose of this subsection "business or financial relationship" also means the receipt by the member, or by any 80 person, firm, corporation, or committee in his behalf, from the applicant in the case or from the title 81 82 owner, contract purchaser, or lessee of the subject land, except, in the case of a condominium, with the title owner, contract purchaser, or lessee of 10 percent or more of the units in the condominium, or from 83 84 any of the other persons above specified, during the 12-month period prior to the hearing in such case, 85 of any gift or donation having a value of more than \$100, singularly or in the aggregate.

If at the time of the hearing in any such case such member has a business or financial interest 86 87 relationship of employee-employer, agent-principal, or attorney-client with the applicant in the case or 88 with the title owner, contract purchaser, or lessee of the subject land except, in the case of a 89 condominium, with the title owner, contract purchaser, or lessee of 10 percent or more of the units in 90 the condominium, or with any of the other persons above specified involving the relationship of 91 employee employer, agent-principal, or attorney-client, that member shall, prior to any hearing on the 92 matter or at such hearing, make a full public disclosure of such employee-employer, agent-principal, or 93 attorney-client relationship and shall be ineligible to vote or participate in any way in such case or in 94 any hearing thereon.

95 C. In any case described in subsection B pending before the board of supervisors, planning
96 commission, or board of zoning appeals, the applicant in the case shall, prior to any hearing on the
97 matter, file with the board or commission a statement in writing and under oath identifying by name and
98 last known address each person, corporation, partnership, or other association specified in the first
99 paragraph of subsection B. The requirements of this section shall be applicable only with respect to
100 those so identified.

101 D. Any person knowingly and willfully violating the provisions of this section shall be guilty of a 102 Class 1 misdemeanor.