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SENATE BILL NO. 593

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Counties, Cities and Towns
on February 21, 2014)

(Patron Prior to Substitute—Senator Marsden)

A *BILL to amend and reenact §§ 15.2-852 and 15.2-2287.1 of the Code of Virginia, relating to disclosures in land use proceedings.*

Be it enacted by the General Assembly of Virginia:

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.

A. Each individual member of the board of supervisors, the planning commission, and the board of 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 constitute the adoption of a comprehensive zoning plan, an ordinance applicable throughout the county, 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 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 (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 of the units in the condominium, or (iii) if any of the foregoing is a trustee (other than a trustee under a corporate mortgage or deed of trust securing one or more issues of corporate mortgage bonds), with any 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 relationship (other than any ordinary customer or depositor relationship with a retail establishment, public utility or bank) such member, or any member of the member's immediate household, either directly or by way of a partnership in which any of them is a partner, employee, agent or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, 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 the case, or with the title 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% or 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 person, firm, corporation or committee in his behalf from the applicant in the case or from the title 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% or more of the units in the condominium, or from any of the other 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.

If at the time of the hearing in any such case such member has a ~~business or financial interest relationship of employee-employer, agent-principal, or attorney-client~~ with the applicant in the case or with the title 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% or more of the units in the condominium, or with any of the other persons above specified ~~involving the relationship of 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 attorney-client~~ relationship and shall be ineligible to vote or participate in any way in such case or in 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.

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

§ 15.2-2287.1. Disclosures in land use proceedings.

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

B. Each individual member of the board of supervisors, the planning commission, and the board of

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

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

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

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