

# VIRGINIA ACTS OF ASSEMBLY -- 2021 SPECIAL SESSION I

## CHAPTER 400

*An Act to amend and reenact § 10.1-109 of the Code of Virginia, relating to Department of Conservation and Recreation; leasing of land.*

[H 1833]

Approved March 30, 2021

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

**1. That § 10.1-109 of the Code of Virginia is amended and reenacted as follows:**

**§ 10.1-109. Lease of lands and other properties.**

A. The Director is authorized, subject to the ~~consent and approval of the Governor and the General Assembly~~ *written recommendation of the Department of General Services to the Governor and the written approval of the Governor*, following review as to form and content by the Attorney General and the provisions of this article, to ~~convey~~, lease ~~or demise~~ to any person for consideration, by ~~proper deed or other~~ appropriate instrument signed and executed by the Director, in the name of the Commonwealth: (i) any lands or other properties held for general recreational or other public purposes by the Department, for the Commonwealth; *or* (ii) any lands over which the Department has supervision and control, or any part of such lands; ~~or~~ (iii) ~~any right, interest or privilege with respect to such lands. The Director, subject to the consent and approval of the Governor, may renew any such lease, contract or agreement without the consent and approval of the General Assembly. Whenever~~ *where such lease is for the purposes of recreation, agriculture, or resource management and is consistent with the purposes and duties of the Department. Notwithstanding the provisions of subdivision (ii), whenever* land is acquired by purchase or otherwise for public recreation and conservation purposes under the administration of the Department, the Director is authorized to lease the land or any portion of it *back* to the owner from whom the land is acquired upon terms and conditions in the public interest. No lease granted under this section shall be for an initial term longer than ten years, but any such lease may contain provisions for lease renewals, either contingent or automatic at the discretion of the Director, for a like period upon the same terms and conditions as originally granted. If written notice of termination is received by the Director from the lessee or if use of the lease is in fact abandoned by the lessee at any time prior to the end of the initial term or any renewal, the Director may immediately terminate the lease.

B. The Director is authorized to lease state-owned housing under the control of the Department to state employees. Such leases shall be approved as to form and content by the Attorney General and the Department of General Services. The leasing of Department-controlled housing to state employees shall be for the purposes of providing security and operational efficiencies to property of the Department and shall not cause the property to be considered surplus to the agency's need. If the Director determines that the availability of state-owned housing is inadequate to meet the onsite security and operational efficiencies requirements for Department-owned property, he may lease residential property not owned by the Commonwealth from prospective landlords for the purposes of subleasing to state employees who otherwise qualify for leasing state-owned housing. Such leases and subleases shall be approved by the Director.

*C. Property leased under this section shall not be considered surplus to the agency's need.*

*D. The Department shall include information about leasing activities carried out pursuant to this section in an annual report to the General Assembly.*