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SENATE BILL NO. 1495

Senate Amendments in [] - February 7, 2023

A BILL to amend the Code of Virginia by adding a section numbered 15.2-2208.2, relating to local enforcement action; willful disregard for applicable law; damages.

Patron Prior to Engrossment—Senator Surovell

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2208.2 as follows:

§ 15.2-2208.2. Damages for an enforcement action undertaken by a locality with willful disregard for applicable law.

A. Notwithstanding any other provision of law, general or special, any person aggrieved by an enforcement action by a locality, where the enforcement action was based upon a willful disregard for applicable law, regulation, or ordinance, shall be entitled to an award of compensatory damages and to an order remanding the matter to the locality with a direction to terminate such enforcement and may be entitled to reasonable attorney fees and court costs.

B. Any action brought pursuant to this section [~~shall~~ may] be filed with the general district court having jurisdiction of the person affected, and the court shall hear and determine the case as soon as practical. [Nothing in this section shall be construed to abrogate a claim of qualified immunity.]

ENGROSSED

SB1495E