

VIRGINIA ACTS OF ASSEMBLY -- 2024 SESSION

CHAPTER 471

An Act to amend the Code of Virginia by adding a section numbered 2.2-2240.2:2, relating to Virginia Business Ready Expedited Permitting Program; established.

[H 1125]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.2-2240.2:2 as follows:

§ 2.2-2240.2:2. Virginia Business Ready Expedited Permitting Program.

A. For purposes of this section:

"Eligible site" means a site that meets the qualifications for a site development grant pursuant to § 2.2-2240.2:1, including sites located in Region 1 or 2 that meet the requirements of such section.

"Program" means the Virginia Business Ready Expedited Permitting Program.

"Project" means an economic development project by a traded-sector company involving significant capital investment and new job creation in the locality in which the project is located.

"Traded-sector company" means a company that directly or indirectly derives more than 50 percent of its revenue from out-of-state sources.

B. There is hereby created the Virginia Business Ready Expedited Permitting Program to accomplish the objectives described in this section. The Authority shall annually designate up to two eligible sites and four projects for participation in the Program. Sites and projects eligible for the Program shall include only (i) eligible sites or (ii) projects with significant local, regional, or statewide economic impact that the governing body of the locality in which the project is located has either (a) approved following a public meeting or hearing or (b) submitted, by resolution, for consideration to be included in the Program. No more than two eligible sites or projects shall be designated as part of the Program within one locality annually. Where possible, eligible sites or projects designated by the Authority for participation in the Program shall be equitably distributed geographically throughout the Commonwealth.

C. For any eligible site or project designated by the Authority for participation in the Program, the Authority shall complete a review process within 45 days of such designation. Such review process shall (i) reduce permitting conflicts by providing guidance regarding the permits needed from each agency or governmental entity and steps the applicant can take to expedite permit application review and (ii) provide guidance regarding site planning and development, site suitability and limitations, and facility design. For projects requiring multiple agency permits, the Authority may designate one agency as the lead agency to coordinate the overall permit reviews for the project.

D. For any complete application for a permit or request for approval associated with an eligible site or project designated by the Authority as part of the Program and submitted to a local governmental entity or state agency, whether or not independent, such agency or other entity shall render a decision on the application within 180 days. However, after consultation with the Authority, an applicant and the relevant agency or governmental entity may agree, by memorandum of understanding, to authorize a timeline for rendering decisions that exceeds 180 days. If an agency or other entity requires additional information or documentation from an applicant, including information to render the application or request complete, the agency or other entity shall notify the applicant within 60 days of receipt of the permit application or request for approval. Upon receipt of such request for additional information, an applicant shall respond to the agency or other entity with the required information or documentation within 45 days. If the applicant exceeds the 45-day response timeline, then the 180-day timeline governing an agency or other entity for approval decisions shall be extended by the same number of days by which the 45-day response timeline was exceeded. If the applicant does not provide the additionally requested information within 135 days of the request, the applicant will be deemed noncompliant and shall no longer be designated as participating in the Program, and the Authority may designate an alternative site or project to participate in the Program in its place. If an agency or other governmental entity requires an approval or affirmative action from (i) a federal entity or (ii) an agency or other public or private entity over which the agency or other governmental entity does not exercise control, before a decision can be rendered, then the 180-day timeline shall be extended by the number of days during which a decision on such approval or affirmative action is pending.

E. Nothing in this section shall be construed to limit or eliminate any legally required opportunities for public comment or input related to a requested permit or approval. If any such public comment or input would require the permitting or approval process to extend beyond 180 days, the 180-day timeline shall be extended by the number of days necessary to provide the full public comment or input period required by law.

F. All local government entities and state agencies, whether or not independent, shall cooperate with the Authority in carrying out the provisions of this section.

2. That the provisions of the first enactment of this act shall become effective on January 1, 2025, and shall expire on June 30, 2028. No project shall be considered eligible to enter the Virginia Business Ready Expedited Permitting Program established pursuant to this act after December 31, 2027.

3. That every state agency, whether or not independent, that issues permits or approvals for eligible sites, as that term is defined in § 2.2-2240.2:2 of the Code of Virginia, as created by this act, shall establish guidelines and procedures for implementing a comprehensive permit review and evaluation pursuant to the Virginia Business Ready Expedited Permitting Program established pursuant to this act by January 1, 2025. The preparation of the guidelines shall be exempt from the requirements of Article 2 (§ 2.2-4006 et seq. of the Code of Virginia) of the Administrative Process Act. Such guidelines shall be published on the Virginia Regulatory Town Hall.

4. That the Virginia Economic Development Partnership Authority shall report annually by December 1 to the Senate Committee on Finance and Appropriations and the House Committee on Appropriations on the progress of the Virginia Business Ready Expedited Permitting Program (the Program) established pursuant to this act for the duration of the Program.