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HOUSE BILL NO. 626

Offered January 12, 2022

Prefiled January 11, 2022

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

Patron—Roem

Committee Referral Pending

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 40% 10 percent 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 40% 10 percent 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 40% 10 percent 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 ~~relationship of employee-employer, agent-principal, or attorney-client~~ business or financial interest 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 40% 10 percent or more of the units in the condominium, or with any of the other persons above specified, that member shall, prior to any hearing on the matter or at such hearing, make a full public disclosure of such a business or financial interest or 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.

INTRODUCED

HB626

59 **§ 15.2-2287.1. Disclosures in land use proceedings.**

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

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

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

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

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