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HOUSE BILL NO. 2142

Offered January 13, 2025

Prefiled January 7, 2025

A BILL to amend the Code of Virginia by adding in Article 1 of Chapter 22 of Title 15.2 a section numbered 15.2-2209.4, relating to refund by localities of certain land use application fees.

Patron—Milde

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 22 of Title 15.2 a section numbered 15.2-2209.4 as follows:

§ 15.2-2209.4. Refund of certain land use application fees.

A. In any instance in which (i) a locality has either denied or failed to take action on a land use application submitted pursuant to this chapter due to the failure of the applicant to meet a statutory deadline for a completed application and (ii) the locality is at least partially responsible for delays that caused the applicant to miss the deadline, the locality shall either refund the application fees paid by the applicant or waive application fees on a new application.

B. An application fee refund or waiver shall be initiated by a request from the applicant to the locality's director of planning or equivalent position. The request shall state the reason that the applicant believes the locality is at least partially responsible for the applicant's failure to meet the deadline. The locality shall have 30 days to either approve or disapprove the request. If the locality disapproves the applicant's request for an application fee refund or waiver, the applicant shall have 30 days from the date of the locality's decision to appeal the denial to the board of zoning appeals, which shall have authority to either confirm or overturn the locality's decision pursuant to § 15.2-2309.

INTRODUCED

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