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1 **HOUSE BILL NO. 833**

2 Offered January 14, 2026

3 Prefiled January 13, 2026

4 *A BILL to amend and reenact § 15.2-2242 of the Code of Virginia, relating to land subdivision and*
5 *development; optional provisions of a subdivision ordinance; electric vehicle charging stations;*
6 *Commission on Electric Utility Regulation; report.*

7 Patron—McClure

8 Committee Referral Pending

9 **Be it enacted by the General Assembly of Virginia:**10 **1. That § 15.2-2242 of the Code of Virginia is amended and reenacted as follows:**11 **§ 15.2-2242. Optional provisions of a subdivision ordinance.**

12 A subdivision ordinance may include:

13 1. Provisions for variations in or exceptions to the general regulations of the subdivision ordinance in
14 cases of unusual situations or when strict adherence to the general regulations would result in substantial
15 injustice or hardship.16 2. A requirement (i) for the furnishing of a preliminary opinion from the applicable health official
17 regarding the suitability of a subdivision for installation of subsurface sewage disposal systems where such
18 method of sewage disposal is to be utilized in the development of a subdivision and (ii) that all buildings
19 constructed on lots resulting from subdivision of a larger tract that abuts or adjoins a public water or sewer
20 system or main shall be connected to that public water or sewer system or main subject to the provisions of
21 § 15.2-2121.22 3. A requirement that, in the event streets in a subdivision will not be constructed to meet the standards
23 necessary for inclusion in the secondary system of state highways or for state street maintenance moneys paid
24 to municipalities, the subdivision plat and all approved deeds of subdivision, or similar instruments, must
25 contain a statement advising that the streets in the subdivision do not meet state standards and will not be
26 maintained by the Department of Transportation or the localities enacting the ordinances. Grantors of any
27 subdivision lots to which such statement applies must include the statement on each deed of conveyance
28 thereof. However, localities in their ordinances may establish minimum standards for construction of streets
29 that will not be built to state standards.30 For streets constructed or to be constructed, as provided for in this subsection, a subdivision ordinance
31 may require that the same procedure be followed as that set forth in provision 5 of § 15.2-2241. Further, the
32 subdivision ordinance may provide that the developer's financial commitment shall continue until such time
33 as the local government releases such financial commitment in accordance with provision 11 of § 15.2-2241.34 4. Reasonable provision for the voluntary funding of off-site road improvements and reimbursements of
35 advances by the governing body. If a subdivider or developer makes an advance of payments for or
36 construction of reasonable and necessary road improvements located outside the property limits of the land
37 owned or controlled by him, the need for which is substantially generated and reasonably required by the
38 construction or improvement of his subdivision or development, and such advance is accepted, the governing
39 body may agree to reimburse the subdivider or developer from such funds as the governing body may make
40 available for such purpose from time to time for the cost of such advance together with interest, which shall
41 be excludable from gross income for federal income tax purposes, at a rate equal to the rate of interest on
42 bonds most recently issued by the governing body on the following terms and conditions:43 a. The governing body shall determine or confirm that the road improvements were substantially
44 generated and reasonably required by the construction or improvement of the subdivision or development and
45 shall determine or confirm the cost thereof, on the basis of a study or studies conducted by qualified traffic
46 engineers and approved and accepted by the subdivider or developer.47 b. The governing body shall prepare, or cause to be prepared, a report accepted and approved by the
48 subdivider or developer, indicating the governmental services required to be furnished to the subdivision or
49 development and an estimate of the annual cost thereof for the period during which the reimbursement is to
50 be made to the subdivider or developer.51 c. The governing body may make annual reimbursements to the subdivider or developer from funds made
52 available for such purpose from time to time, including but not limited to real estate taxes assessed and
53 collected against the land and improvements on the property included in the subdivision or development in
54 amounts equal to the amount by which such real estate taxes exceed the annual cost of providing reasonable
55 and necessary governmental services to such subdivision or development.

56 5. In Arlington County, Fairfax County, Loudoun County, and Prince William County, in any town

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HB833

59 located within such counties, in Bedford County, Pittsylvania County, Spotsylvania County, and Stafford
60 County, or in the Cities of Alexandria, Chesapeake, Fairfax, Falls Church, Hampton, Manassas, Manassas
61 Park, and Portsmouth, provisions for payment by a subdivider or developer of land of a pro rata share of the
62 cost of reasonable and necessary road improvements, located outside the property limits of the land owned or
63 controlled by him but serving an area having related traffic needs to which his subdivision or development
64 will contribute, to reimburse an initial subdivider or developer who has advanced such costs or constructed
65 such road improvements. Such ordinance may apply to road improvements constructed after July 1, 1988, in
66 Fairfax County; in Arlington County, Loudoun County, and Prince William County, in any town located
67 within such counties, in Bedford County, Pittsylvania County, Spotsylvania County, and Stafford County, or
68 in the Cities of Alexandria, Chesapeake, Fairfax, Falls Church, Hampton, Manassas, Manassas Park, and
69 Portsmouth, such ordinance may only apply to road improvements constructed after the effective date of such
70 ordinance.

71 Such provisions shall provide for the adoption of a pro rata reimbursement plan which shall include
72 reasonable standards to identify the area having related traffic needs, to determine the total estimated or
73 actual cost of road improvements required to adequately serve the area when fully developed in accordance
74 with the comprehensive plan or as required by proffered conditions, and to determine the proportionate share
75 of such costs to be reimbursed by each subsequent subdivider or developer within the area, with interest (i) at
76 the legal rate or (ii) at an inflation rate prescribed by a generally accepted index of road construction costs,
77 whichever is less.

78 For any subdivision ordinance adopted pursuant to provision 5 of this section after February 1, 1993, no
79 such payment shall be assessed or imposed upon a subsequent developer or subdivider if (i) prior to the
80 adoption of a pro rata reimbursement plan the subsequent subdivider or developer has proffered conditions
81 pursuant to § 15.2-2303 for offsite road improvements and such proffered conditions have been accepted by
82 the locality, (ii) the locality has assessed or imposed an impact fee on the subsequent development or
83 subdivision pursuant to Article 8 (§ 15.2-2317 et seq.) of Chapter 22, or (iii) the subsequent subdivider or
84 developer has received final site plan, subdivision plan, or plan of development approval from the locality
85 prior to the adoption of a pro rata reimbursement plan for the area having related traffic needs.

86 The amount of the costs to be reimbursed by a subsequent developer or subdivider shall be determined
87 before or at the time the site plan or subdivision is approved. The ordinance shall specify that such costs are
88 to be collected at the time of the issuance of a temporary or final certificate of occupancy or functional use
89 and occupancy within the development, whichever shall come first. The ordinance also may provide that the
90 required reimbursement may be paid (i) in lump sum, (ii) by agreement of the parties on installment at a
91 reasonable rate of interest or rate of inflation, whichever is less, for a fixed number of years, or (iii) on such
92 terms as otherwise agreed to by the initial and subsequent subdividers and developers.

93 Such ordinance provisions may provide that no certificate of occupancy shall be issued to a subsequent
94 developer or subdivider until (i) the initial developer certifies to the locality that the subsequent developer has
95 made the required reimbursement directly to him as provided above or (ii) the subsequent developer has
96 deposited the reimbursement amount with the locality for transfer forthwith to the initial developer.

97 6. Provisions for establishing and maintaining access to solar energy to encourage the use of solar heating
98 and cooling devices in new subdivisions. The provisions shall be applicable to a new subdivision only when
99 so requested by the subdivider.

100 7. Provisions, in any town with a population between 14,500 and 15,000, granting authority to the
101 governing body, in its discretion, to use funds escrowed pursuant to provision 5 of § 15.2-2241 for
102 improvements similar to but other than those for which the funds were escrowed, if the governing body (i)
103 obtains the written consent of the owner or developer who submitted the escrowed funds; (ii) finds that the
104 facilities for which funds are escrowed are not immediately required; (iii) releases the owner or developer
105 from liability for the construction or for the future cost of constructing those improvements for which the
106 funds were escrowed; and (iv) accepts liability for future construction of these improvements. If such town
107 fails to locate such owner or developer after making a reasonable attempt to do so, the town may proceed as if
108 such consent had been granted. In addition, the escrowed funds to be used for such other improvement may
109 only come from an escrow that does not exceed a principal amount of \$30,000 plus any accrued interest and
110 shall have been escrowed for at least five years.

111 8. Provisions for clustering of single-family dwellings and preservation of open space developments,
112 which provisions shall comply with the requirements and procedures set forth in § 15.2-2286.1.

113 9. Provisions requiring that where a lot being subdivided or developed fronts on an existing street, and
114 adjacent property on either side has an existing sidewalk or when the provision of a sidewalk, the need for
115 which is substantially generated and reasonably required by the proposed development, is in accordance with
116 the locality's adopted comprehensive plan, a locality may require the dedication of land for, and construction
117 of, a sidewalk on the property being subdivided or developed. Nothing in this paragraph shall alter in any
118 way any authority of localities or the Department of Transportation to require sidewalks on any newly
119 constructed street or highway.

120 10. Provisions for requiring and considering Phase I environmental site assessments based on the

121 anticipated use of the property proposed for the subdivision or development that meet generally accepted
122 national standards for such assessments, such as those developed by the American Society for Testing and
123 Materials, and Phase II environmental site assessments, that also meet accepted national standards, such as,
124 but not limited to, those developed by the American Society for Testing and Materials, if the locality deems
125 such to be reasonably necessary, based on findings in the Phase I assessment, and in accordance with
126 regulations of the United States Environmental Protection Agency and the American Society for Testing and
127 Materials. A reasonable fee may be charged for the review of such environmental assessments. Such fees
128 shall not exceed an amount commensurate with the services rendered, taking into consideration the time,
129 skill, and administrative expense involved in such review.

130 11. Provisions for requiring disclosure and remediation of contamination and other adverse environmental
131 conditions of the property prior to approval of subdivision and development plans.

132 12. Provisions, in any town located in the Northern Virginia Transportation District, granting authority to
133 the governing body to require the dedication of land for sidewalk, curb, and gutter improvements on the
134 property being subdivided or developed if the property is designated for such improvements on the locality's
135 adopted pedestrian plan.

136 13. *Requirements for electric vehicle (EV) supply equipment, EV-ready charging spaces, or EV-capable
137 parking spaces that provide infrastructure to facilitate future EV charging, including electrical capacity,
138 prewiring, and conduit, as part of subdivision or site plan approval for a development containing
139 commercial, industrial, or multifamily residential uses. The locality shall require that any provision adopted
140 pursuant to this subsection shall seek to minimize electrical distribution infrastructure costs. The locality
141 shall permit the use of an automatic load management system or other load management strategies to reduce
142 the maximum required electrical capacity to each charging space served by such load management strategy.*

143 2. **That the Commission on Electric Utility Regulation (the Commission), with the technical assistance
144 of the State Corporation Commission and the Department of Housing and Community Development,
145 shall evaluate the design and deployment of the electrical distribution infrastructure necessary to
146 support the installation of electric vehicle charging facilities in new developments consisting of single-
147 family and multifamily residential units. Such evaluation shall include an assessment of (i) any design
148 standards and requirements utilized by investor-owned utilities in the planning, construction, or
149 installation of electrical distribution infrastructure for such developments; (ii) requirements and
150 standards for the siting and placement of electric vehicle charging infrastructure within such
151 developments; (iii) potential modifications to electrical distribution infrastructure design standards
152 and requirements; and (iv) other matters that the Commission deems relevant to minimize impact on
153 planned density and layout of any new single-family or multifamily residential development. In
154 conducting its evaluation, the Commission shall engage representatives from the residential and
155 commercial development industries, private sector utility consultants, and other stakeholders as
156 determined by the Commission. The Commission shall, in writing, report the findings and
157 recommendations from such evaluation no later than November 15, 2026. The State Corporation
158 Commission shall take such action as may be necessary to implement such findings and
159 recommendations.**

160 3. **That the provisions of the first enactment of this act shall become effective on July 1, 2027, provided
161 that the findings by the Commission on Electric Utility Regulation (the Commission) pursuant to the
162 second enactment of this act recommend such provisions. The Commission shall certify in writing to
163 the Virginia Code Commission that such contingency has been met.**