

HOUSE BILL 1250

VESTED RIGHTS UPDATE

By, Delegate Barry Knight

VESTED RIGHTS UPDATE: In 1998, the Virginia General Assembly codified a Vested Rights Statute. At the time, the Act was hailed by national land use attorney organizations as the most progressive property rights legislation that had been approved by a state legislature in over 20 years.

With little exception, the basis for the Act was a series of Supreme Court of Virginia decisions. The purpose of the bill in 1998 was to draw “brighter” lines for local governments and landowners on what actions by local governments and, what actions by landowners created vested rights in Virginia. Most agree that the passage of the Act has brought much clarity to issue of vested rights in Virginia. It is now time for a small, but important update to the Virginia Vested Rights Act to be adopted. The 2010 amendment will create more certainty for property owners in Virginia.

House Bill 1250 would ADD *the issuance of any written order, requirement, decision or determination made by the zoning administrator or other administrative officer regarding the permissibility of a specific use or density of the landowners property, after all appeals are exhausted* to the list of Significant Affirmative Governmental Acts in the Virginia Vested Rights Act. **HB 1250 has passed the House of Delegates and has been assigned to the Senate Committee on Local Governments for further review.**

In many cases, prior to beginning improvements or construction on property in Virginia, lenders require and property owners obtain, a “Determination” from a Zoning Administrator to insure the intended use or density intended for the property is allowed by the underlying zoning classification. In most localities, such a “Determination” is a formal process. This measure will simply protect the property rights and add a layer of certainty for landowners who have acquired a Zoning Determination from a local government.

The 4,000 business owners of the Home Builders Association of Virginia would appreciate your support for **HB 1250**, an important addition to the Virginia Vested Rights Act.