



COMMONWEALTH of VIRGINIA

Department of Historic Resources

Matt Strickler
Secretary of Natural Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Julie V. Langan
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
www.dhr.virginia.gov

February 19, 2021

The Honorable Lynwood W. Lewis, Jr.
Chair, Senate Committee on Local Government
Senate of Virginia
P.O. Box 760
Accomac, Virginia 23301

Chairman Lewis:

During the 2020 Special Session, pursuant to Rule 20 (o) of the Rules of the Senate of Virginia, the Senate Committee on Local Government referred the subject matter contained in House Bill 5030 to the Virginia Department of Historic Resources and the Attorney General for study. The purpose of this letter is to report to you our findings.

In consultation with the Office of the Attorney General, it was determined that there are existing sections of Title 15.2 that address notice and public hearings for local government actions. It was found that in those Code sections:

- A locality may provide for the removal of a structure that endanger public health or safety; however, the locality cannot generally remove such structure until at least 30 days following the later of the return receipt of notice to the landowner or publication of notice for two weeks in the newspaper. If, however, the structure poses a significant threat, the locality can prevent unauthorized access to the structure within 7 days of sending notice. (§ 15.2-906)
- In general, many zoning and planning actions require the following:
 - A public hearing following 2 weeks of notice in the newspaper; the public hearing can occur between 5 and 21 days after the second notice appears in the newspaper. (§ 15.2-2204(A))

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033

Eastern Region Office
2801 Kensington Avenue
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

- Written notice to landowners of affected parcels, at least 5 days prior to a public hearing, if the proposed ordinance affects a certain number of parcels or the density of a parcel (§ 15.2-2204(B))
- If a locality intends to alter or vacate a public right of way, the locality needs to give notice of the locality's intent "at least twice, with at least six days elapsing between the first and second publication, in a newspaper having general circulation in the locality" and the locality needs to hold a public hearing. (§ 15.2-2006)

This information concludes our findings in consultation with the Office of the Attorney General. If you have any questions, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. Langan". The signature is written in black ink and is positioned above the typed name and title.

Julie V. Langan
Director

JVL:sbw

Cc: Delegate Delores L. McQuinn, Patron of HB 5030
Susan Clarke Schaar, Clerk of the Senate