

HOUSE BILL NO. 1125

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Carr)

A BILL to amend the Code of Virginia by adding a section numbered 2.2-2240.2:2, relating to Virginia Business Ready Expedited Permitting Program; established.

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 2.2-2240.2:2 as follows:**

**§ 2.2-2240.2:2. Virginia Business Ready Expedited Permitting Program.**

A. For purposes of this section:

"Eligible site" means a site that meets the qualifications for a site development grant pursuant to § 2.2-2240.2:1, including sites located in Region 1 or 2 that meet the requirements of such section.

"Program" means the Virginia Business Ready Expedited Permitting Program.

"Project" means an economic development project by a traded-sector company involving significant capital investment and new job creation in the locality in which the project is located.

"Traded-sector company" means a company that directly or indirectly derives more than 50 percent of its revenue from out-of-state sources.

B. There is hereby created the Virginia Business Ready Expedited Permitting Program to accomplish the objectives described in this section. The Authority shall annually designate up to two eligible sites and six projects for participation in the Program. Sites and projects eligible for the Program shall include only (i) eligible sites or (ii) projects with significant local, regional, or statewide economic impact that the governing body of the locality in which the project is located has either (a) approved following a public meeting or hearing or (b) submitted, by resolution, for consideration to be included in the Program. No more than two eligible sites or projects shall be designated as part of the Program within

26 one locality annually. Where possible, eligible sites or projects designated by the Authority for  
27 participation in the Program shall be equitably distributed geographically throughout the Commonwealth.

28 C. For any eligible site or project designated by the Authority for participation in the Program, the  
29 Authority shall complete a review process within 45 days of such designation. Such review process shall  
30 (i) reduce permitting conflicts by providing guidance regarding the permits needed from each agency or  
31 governmental entity and steps the applicant can take to expedite permit application review and (ii) provide  
32 guidance regarding site planning and development, site suitability and limitations, and facility design. For  
33 projects requiring multiple agency permits, the Authority may designate one agency as the lead agency to  
34 coordinate the overall permit reviews for the project.

35 D. For any complete application for a permit or request for approval associated with an eligible  
36 site or project designated by the Authority as part of the Program and submitted to a local governmental  
37 entity or state agency, whether or not independent, such agency or other entity shall render a decision on  
38 the application within 180 days. However, after consultation with the Authority, an applicant and the  
39 relevant agency or governmental entity may agree, by memorandum of understanding, to authorize a  
40 timeline for rendering decisions that exceeds 180 days. If an agency or other entity requires additional  
41 information or documentation from an applicant, including information to render the application or request  
42 complete, the agency or other entity shall notify the applicant within 60 days of receipt of the permit  
43 application or request for approval. Upon receipt of such request for additional information, an applicant  
44 shall respond to the agency or other entity with the required information or documentation within 45 days.  
45 If the applicant exceeds the 45-day response timeline, then the 180-day timeline governing an agency or  
46 other entity for approval decisions shall be extended by the same number of days by which the 45-day  
47 response timeline was exceeded. If the applicant does not provide the additionally requested information  
48 within 135 days of the request, the applicant will be deemed noncompliant and shall no longer be  
49 designated as participating in the Program, and the Authority may designate an alternative site or project  
50 to participate in the Program in its place. If an agency or other governmental entity requires an approval  
51 or affirmative action from (i) a federal entity or (ii) an agency or other public or private entity over which  
52 the agency or other governmental entity does not exercise control, before a decision can be rendered, then

53 the 180-day timeline shall be extended by the number of days during which a decision on such approval  
54 or affirmative action is pending.

55 E. Nothing in this section shall be construed to limit or eliminate any legally required opportunities  
56 for public comment or input related to a requested permit or approval. If any such public comment or input  
57 would require the permitting or approval process to extend beyond 180 days, the 180-day timeline shall  
58 be extended by the number of days necessary to provide the full public comment or input period required  
59 by law.

60 F. All local government entities and state agencies, whether or not independent, shall cooperate  
61 with the Authority in carrying out the provisions of this section.

62 **2. That the provisions of the first enactment of this act shall become effective on January 1, 2025,**  
63 **and shall expire on June 30, 2028. No project shall be considered eligible to enter the Virginia**  
64 **Business Ready Expedited Permitting Program established pursuant to this act after December 31,**  
65 **2027.**

66 **3. That every state agency, whether or not independent, that issues permits or approvals for eligible**  
67 **sites, as that term is defined in § 2.2-2240.2:2 of the Code of Virginia, as created by this act, shall**  
68 **establish guidelines and procedures for implementing a comprehensive permit review and**  
69 **evaluation pursuant to the Virginia Business Ready Expedited Permitting Program established**  
70 **pursuant to this act by January 1, 2025. The preparation of the guidelines shall be exempt from the**  
71 **requirements of Article 2 (§ 2.2-4006 et seq. of the Code of Virginia) of the Administrative Process**  
72 **Act. Such guidelines shall be published on the Virginia Regulatory Town Hall.**

73 **4. That the Virginia Economic Development Partnership Authority shall report annually by**  
74 **December 1 to the Senate Committee on Finance and Appropriations and the House Committee on**  
75 **Appropriations on the progress of the Virginia Business Ready Expedited Permitting Program (the**  
76 **Program) established pursuant to this act for the duration of the Program.**

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