

# **Handbook of Virginia Local Government Law**



**2024 Edition**

**David Wagoner, J.D.  
Editor**

Published by



Local Government Attorneys of Virginia, Inc.

Copyright © 2024 by Local Government Attorneys of Virginia, Inc.

Earlier editions published in 1982, 1992, 2001, 2007, and 2008-2023 under the current title or as *Handbook for Local Government Attorneys*.

**Local Government Attorneys of Virginia, Inc.**

9 South 12th Street, Second Floor  
Richmond, Virginia 23219

Amy Sales  
LGA Executive Director  
(434) 906-1778  
email: [amy.sales@easterassociates.com](mailto:amy.sales@easterassociates.com)  
LGA website: [lgava.org](http://lgava.org)

## DEDICATION

---

The *Handbook of Virginia Local Government Law* is dedicated to Wilburn C. Dibling, Jr. Wil Dibling was the City Attorney for Roanoke for twenty-two years and subsequently practiced local government law at the firm of Gentry Locke before retiring in 2012. Wil served the LGA in many ways, including as a member of the Board of Directors and as President. In 1995, he was awarded the Finnegan Whiting Award, the highest honor bestowed by LGA. During the 1980s he was the driving force behind the creation of this *Handbook* and served as the Chairman of the initial Editorial Committee. The *Handbook of Virginia Local Government Law* is among his many lasting legacies, for which the LGA remains indebted and grateful.

## PREFACE

---

The 2024 edition of the *Handbook of Virginia Local Government Law* is published by the Local Government Attorneys of Virginia, Inc., a professional organization founded in 1975 and dedicated to improving the practice of local government law.

Then-Roanoke City Attorney Wilburn C. Dibling instigated the idea of the *Handbook*, which was first published in 1982 under the direction of Steven L. Micas, formerly Chesterfield County Attorney and Prince George County Attorney, and Tommy Hudson, then Blacksburg Town Attorney. The 1982 edition was updated yearly before the *Handbook* was completely revised in 1992, primarily due to the efforts of Charles Flinn, then Arlington County Attorney, and Cynthia Perry, Special Counsel to his office. The 1992 edition was then supplemented yearly by Susan Warriner Custer, until April Wimberley joined the effort as Editor in 2020, serving through the publication of the 2023 Edition. The *Handbook* is included as a standard benefit of LGA membership; it is available as an online resource on LGA's website, and may also be downloaded.

This year's version includes federal and state legislation, case decisions, Virginia Attorney General Opinions, and other relevant authority through at least September 1, 2023. The citations were verified as valid as of February 1, 2024. No effort has been made here to cite every statute or case that may be relevant to the matters discussed in the chapters, and the practitioner must supplement the reading with independent and updated research on specific questions. The *Handbook* is no substitute for independent research, and does not attempt to be an exhaustive summary of every issue the governmental practitioner may encounter.

Moreover, the characterizations, analyses, and opinions advanced in the *Handbook* are solely those of the chapter authors, and do not represent those of the Local Government Attorneys of Virginia.

As the scope and complexity of local government law practice has grown, so too has the scope of the *Handbook*. The traditional local government issues of land use, condemnation, blight remediation, taxation, finance, boundary adjustments, redistricting, FOIA, economic development, and schools are covered. Chapters on employment issues, torts, and Section 1983 help address the increasing litigiousness of our society. General areas of law such as antitrust, bankruptcy, environmental, professional responsibility, construction, and property are examined from the local government perspective. Areas of the law that have become statutorily complex, such as social services, conflicts of interest, and procurement, are also included.

Public and private practice attorneys who are experts in their respective fields authored the chapters. The chapters were carefully reviewed by the Editor as well as by members of the LGA Publications Committee: Jordan K. Bowman, Stephen A. Grim, Kalli L. Jackson, Eric M. Lansing, Travis S. MacRae, Christopher R. Menerick, Benjamin D. Naidorf, Brent J. Schultheis (Chair), Andrew P. Selman, Alan F. Smith, Tyler C. Southall, Susan L. Timoner, and Hannon E. Wright. The accuracy and usefulness of the *Handbook* is due to the expertise and commitment of these attorneys.

Questions regarding purchase of the *Handbook* should be addressed to the LGA Executive Director, Amy V. Sales, at (434) 906-1778 or [amy.sales@easterassociates.com](mailto:amy.sales@easterassociates.com). Any questions or comments regarding content, typographical errors, or format should be addressed to the Editor at (434) 951-9191 or [dwagoner@nlrg.com](mailto:dwagoner@nlrg.com).

David Wagoner, J.D.  
*Handbook* Editor  
April 2024

## 2024 LGA Handbook Table of Contents

---

- 1 **Planning and Zoning**, John H. Foote, Walsh, Colucci, Lubeley & Walsh, P.C.
- 2 **Subdivision Regulation**, David Stoner, Fairfax County
- 3 **Redevelopment and Housing Authorities**, Alexander C. Graham, Jr., Williams Mullen
- 4 **Condemnation Procedure Under the Virginia General Condemnation Act**, Courtney B. Harden, Briglia Hundley, P.C.
- 5 **Environmental Law**, Troutman Pepper Hamilton Sanders LLP
- 6 **Federal Law Employment Issues**, Timothy R. Spencer, City of Roanoke and John C. Blair II, City of Staunton
- 7 **State Law Employment Issues**, Mary Beth Nash, Glenn Robinson Cathey Skaff & White PLC
- 8 **Workers' Compensation Law**, Richard D. Lucas and John S. Honeycutt, Lucas & Kite PLC and Douglas P. Barber, Jr., Roanoke County
- 9 **Local Taxation**, James V. McGettrick, Norton Rose Fulbright US LLP
- 10 **Collection of Delinquent Taxes**, Jeffrey A. Scharf, Taxing Authority Consulting Services, P.C.
- 11 **Economic Development Incentives**, John D. O'Neill, Jr. and Martha A. Warthen, Hunton Andrews Kurth LLP
- 12 **Financing Virginia's Local Governments**, Arthur E. Anderson II and T.W. Bruno, McGuireWoods LLP
- 13 **Antitrust Law**, Robert W. Loftin, McGuireWoods LLP
- 14 **Bankruptcy Law**, Andrew R. Newby and Sara L. Maynard, Henrico County
- 15 **Governmental Boundary and Status Changes**, Stephen C. Piepgrass and Dascher L. Pasco, Troutman Pepper Hamilton Sanders LLP
- 16 **Legislative Redistricting and Voting Rights Act Preclearance**, Stephen C. Piepgrass and Robert S. Claiborne, Jr., Troutman Pepper Hamilton Sanders LLP
- 17 **Public Utilities**, Stewart T. Leeth, Smithfield Foods, Inc.
- 18 **School Law**, Wade Anderson, Prince William County Public Schools
- 19 **42 U.S.C. § 1983**, Brandi A. Law, City of Hampton and Gerald L. Harris, City of Virginia Beach
- 20 **State Law Immunity of Local Governmental Entities and Their Employees**, Jim H. Guynn, Jr., Guynn Waddell, P.C.
- 21 **Social Services Law**, Michael Chernau, Chesterfield County
- 22 **Administrative Inspections and The Virginia Maintenance Code**, Emily C.R. Bittner, Chesterfield County and Robert P. Skoff, Prince William County
- 23 **The Freedom of Information and Government Data Collection and Dissemination Practices Acts**, Roger C. Wiley, Hefty Wiley & Gore, P.C.
- 24 **Professional Responsibility Guidelines**, Brandi A. Law, City of Hampton
- 25 **Public Procurement Law**, William H. Hefty, Hefty Wiley & Gore, P.C.
- 26 **Construction Law**, John Marshall Cook, Fox Rothschild LLP and Daniel D. Rounds, Haynes and Boone, LLP
- 27 **The State and Local Government Conflict of Interests Act**, Roderick R. Ingram, City of Virginia Beach
- 28 **Blight and Nuisance**, Michael W. Smith and Christopher M. Gill, Christian & Barton, LLP and Lisa A. Robertson, Prince William County Public Schools
- 29 **Real Property**, Jan L. Proctor, Accomack County