2008 Session

Budget Bill - HB29 (Chapter 847)

George Mason University

Item C-52

New Construction: Construct Faculty and Staff Housing (17372) (PPEA)

~~1. In order to assist with the recruitment and retention of faculty and staff, George Mason University (GMU) is hereby granted the authority to construct affordable market-quality faculty and staff housing consisting of a mixture of up to 450 rental and for-sale apartments, town homes, duplexes, and single family homes either: (a) pursuant to the Public-Private Educational Facilities and Infrastructure Act of 2002 (§ 56-575.0 et seq., Code of Virginia), by entering into a comprehensive agreement with a private entity for the construction of such housing, or (b) for this housing project only, by entering into a construction agreement with a private entity, including a private entity that was competitively selected prior to the effective date of this act pursuant to the Code of Virginia, based on an alternative financing scenario, approved by the Governor, and pursuant to the following stipulations and conditions: (i) all post-General Assembly authorization review, approval, administrative, and policy and procedure functions performed by the Department of General Services, the Division of Engineering and Buildings, the Department of Planning and Budget and any other agency that supports the functions performed by these departments are hereby delegated to GMU; (ii) the GMU Board of Visitors shall develop and implement an appropriate system of policies, procedures, reviews and approvals for this project; (iii) the system so adopted shall provide for the review and approval of the project in order to ensure that the project otherwise complies with all requirements of the Code of Virginia regarding capital projects, excluding only the functions described in clause (i) above; (iv) GMU shall report to the Departments of Planning and Budget and General Services on the status of the project by December 31, 2006, and semiannually by June 30 and December 31 thereafter until its completion; and (v) GMU shall ensure that Building Officials and Code Administrators code and fire safety inspections of the project are conducted and that the project is inspected by the State Fire Marshal prior to certification for building occupancy by the GMU assistant state building official to whom such inspection responsibility has been delegated pursuant to § 36-98.1 A. Nothing in this section shall be deemed to relieve GMU of any reporting requirement pursuant to § 2.2-1513, Code of Virginia.~~

~~2. Authority is also granted to enter into, as needed, capital leases for any components of an agreement authorized by paragraph 1 of this Item that may qualify as capital lease agreements. GMU shall identify any components of such an agreement that qualify as capital leases, as defined by Generally Accepted Accounting Principles (GAAP), and report such leases to the Department of Accounts, the Department of the Treasury and the Department of Planning and Budget. Any such agreement is exempt from § 4-3.03 b.2. of this act. If any such agreement contemplates the lease of property in the possession or control of GMU, this Item shall constitute the approval required by subsection B of § 2.2-1155 of the Code of Virginia for the term of such lease to be in excess of 50 years, up to and including the useful life of the improvements to such property, provided that the Governor also approves such a term.~~

~~3. If such faculty and staff housing is constructed on land owned by or leased to a private university-related foundation, or owned by or leased to a private entity, such project shall continue to be exempt from all requirements of any county or city zoning ordinances.~~

A. In order to assist with the recruitment and retention of faculty and staff, George Mason University (GMU) is

hereby granted the authority to construct affordable market-quality faculty and staff housing consisting of a mixture of up to 450 rental and for-sale apartments, town homes, duplexes, and single family homes either (a) pursuant to the Public-Private Educational Facilities and Infrastructure Act of 2002 (§ 56-575.0 et seq., Code of Virginia), by entering into a comprehensive agreement with a private entity for the construction of such housing; or (b) for this housing project only, by entering into a construction agreement with a private entity, including a private entity that was competitively selected prior to the effective date of this act pursuant to the Code of Virginia, based on an alternative financing scenario, approved by the Governor, and pursuant to the following stipulations and conditions: (i) all post-General Assembly authorization review, approval, administrative, and policy and procedure functions performed by the Department of General Services, the Division of Engineering and Buildings, the Department of Planning and Budget and any other agency that supports the functions performed by these departments are hereby delegated to GMU; (ii) the GMU Board of Visitors shall develop and implement an appropriate system of policies, procedures, reviews and approvals for this project; (iii) the system so adopted shall provide for the review and approval of the project in order to ensure that the project otherwise complies with all requirements of the Code of Virginia regarding capital projects, excluding only the functions described in clause (i) above; (iv) GMU shall report to the Departments of Planning and Budget and General Services on the status of the project by December 31, 2006, and semiannually by June 30 and December 31 thereafter until its completion; and (v) GMU shall ensure that Building Officials and Code Administrators code and fire safety inspections of the project are conducted and that the project is inspected by the State Fire Marshal prior to certification for building occupancy by the Department of General Services, Division of Engineering and Buildings.

B. Authority is also granted to enter into, as needed, capital leases for any components of an agreement authorized by paragraph 1 of this item that may qualify as capital lease agreements. GMU shall identify any components of such an agreement that qualify as capital leases, as defined by Generally Accepted Accounting Principles (GAAP), and report such leases to the Department of Accounts, the Department of the Treasury and the Department of Planning and Budget. Any such agreement is exempt from § 4-3.03 b.2. of this act. If any such agreement contemplates the lease of property in the possession or control of GMU, this item shall constitute the approval required by subsection B of § 2.2-1155, Code of Virginia, for the term of such lease to be in excess of 50 years, up to and including the useful life of the improvements to such property, provided that the Governor also approves such a term.

C. If such faculty and staff housing is constructed on land owned by or leased to a private university-related foundation, or owned by or leased to a private entity, such project shall continue to be exempt from all requirements of any county or city zoning ordinances.