

Reaffirmation of Affidavit

Please read carefully

On July 10, 2006, the Board of Supervisors of Fairfax County, Virginia, adopted revisions to the land use affidavit forms to be used with rezoning, special exception, special permit, and variance applications. The Planning Commission adopted its reaffirmation procedures on April 4, 2002. On February 24, 2003, the Board of Supervisors approved amendments to its “Reaffirmation Procedure for Affidavits.”

Important! The adopted Affidavits and Reaffirmation of Affidavit forms shall not be altered or modified in any way. Any form that is altered or modified in any way will not be accepted.

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Instructions

Additional copies of the Reaffirmation of Affidavit form or other Affidavit forms can be downloaded from www.fairfaxcounty.gov/dpz/affidavits/.

Please note: Acrobat Reader will NOT allow you to save changes made to this document. Any information you enter in the form fields will be lost when the PDF file is closed; therefore, be sure to print and review your document before closing.

If you have a complete version of Acrobat installed on your computer, your changes may be saved for later use.

Support

If you are unsure as to which form to use, please call:
County of Fairfax, Department of Planning and Zoning at 703-324-1290, TTY 711.

For further information or additional forms:
www.fairfaxcounty.gov/dpz/affidavits/

REAFFIRMATION PROCEDURE FOR AFFIDAVITS

A. Before the Planning Commission Hearing

1. On or before the close of business **twenty-two (22) business days prior to the public hearing** before the Planning Commission, the applicant or the applicant's authorized agent, which agent must be listed in Paragraph 1(a) of the applicant's affidavit, *shall* either:
 - a. Reaffirm the approved affidavit for the application by submitting the reaffirmation of the approved affidavit to the Office of the County Attorney on an approved REAFFIRMATION OF AFFIDAVIT form provided by the County (Attachment I); or
 - b. Submit a new affidavit on an approved affidavit form provided by the County to the Office of the County Attorney. A REAFFIRMATION OF AFFIDAVIT form provided by the County *shall* be attached to the new affidavit, identifying the paragraphs where such revisions or supplemental information is provided on the new affidavit.
2. If, subsequent to the timely submission of the reaffirmation form or new affidavit, the applicant's affidavit must be revised or supplemented prior to the scheduled Planning Commission hearing, a new affidavit on an approved affidavit form must be submitted to the Office of the County Attorney on or before the close of business **seven (7) business days prior to the scheduled Planning Commission hearing**. Failure to submit the revised affidavit to the County Attorney on or before the close of business seven (7) business days prior to the scheduled Planning Commission hearing is cause for removal of the application from the Planning Commission schedule to the next available Planning Commission hearing date. Such deferral may adversely affect any scheduled hearing before the Board of Supervisors hearing. If such deferral is necessary, the applicant shall be responsible for any required renotification of applicable property owners.
3. Compliance with the seven-day filing deadline for revised affidavit is mandatory for all applicants required to submit affidavits. This requirement may be waived by a vote of the Planning Commission at the scheduled hearing only if there are legitimate reasons for submitting the revised affidavit to the Office of the County Attorney after the required seven-day deadline.

4. At each and every hearing on the application before the Planning Commission, the applicant or the applicant's authorized agent, who must be listed in Paragraph 1(a) of the applicant's affidavit, shall be required to make an oral statement that the reaffirmed affidavit or the new affidavit is correct and accurate as of the date of the hearing.
5. If the applicant's hearing before the Planning Commission is deferred to a date that is more than eight (8) weeks subsequent to the scheduled hearing date, the reaffirmation procedure described in Paragraph A(1) above shall be followed again.

B. Before the Board of Supervisors Hearing

1. If prior to the public hearing before the Board of Supervisors, the applicant's approved affidavit which was reaffirmed at the hearing before the Planning Commission must be changed, deleted or supplemented in any way, a new affidavit on an affidavit form provided by the County must be submitted to the Office of the County Attorney before the close of business at least **seven (7) business days prior to the scheduled hearing date**. Failure to submit a new affidavit by the deadline will result in the removal of the application from the scheduled public hearing before the Board of Supervisors, unless the Board waives the seven-day deadline on its own motion.

Note: The failure to timely update the disclosure of financial relationships in an affidavit to accurately reflect the disclosure of financial relationships within the 12 months immediately preceding the Board's hearing may result in omissions or an incorrect, over inclusive affidavit, which would require the submission of a new affidavit and will result in removal of the application from the scheduled public hearing before the Board of Supervisors, unless the Board waives the seven-day deadline on its own motion.

2. Except in instances when a new affidavit is submitted in accordance with Paragraph B(1) and such submission is made less than 14 days immediately preceding any hearing before the Board of Supervisors, the applicant shall submit to the Office of the County Attorney a new Reaffirmation of Affidavit form before the close of business at least **seven (7) but no more than fourteen (14) business days prior to the scheduled hearing date**. Failure to submit a new affidavit or a reaffirmation affidavit by these deadlines will result in removal of the application from the scheduled public hearing before the Board of Supervisors, unless the Board waives these deadlines on its own motion.

3. If at the Board's hearing or at a point less than seven (7) business days prior to the Board's hearing, any changes are required or made to a new affidavit or to the reaffirmation affidavit, thereby resulting in the hearing being rescheduled, then the applicant shall submit to the Office of the County Attorney a new affidavit on an affidavit form provided by the County before the close of business at least **seven (7) but no more than fourteen (14) business days prior to the rescheduled hearing date**. Failure to submit the new affidavit by these deadlines will result in removal of the application from the rescheduled public hearing before the Board of Supervisors, unless the Board waives these deadlines on its own motion.
4. At each and every hearing on the application before the Board of Supervisors, the applicant or the applicant's authorized agent, described in Paragraph A(1) above, shall be required to make an oral statement that the reaffirmed affidavit or the new affidavit is correct and accurate as of the date of the hearing.

C. Before the Board of Zoning Appeals Hearing

1. If prior to the public hearing before the Board of Zoning Appeals, the applicant's approved affidavit must be changed, deleted, or supplemented in any way, a new affidavit on an affidavit form provided by the County must be submitted to the Office of the County Attorney on or before the close of business **twenty-two (22) business days prior to the scheduled hearing date**.
2. At each and every hearing on the application before the Board of Zoning Appeals, the applicant or the applicant's authorized agent, described in paragraph A (1) above, shall be required to make an oral statement that the approved affidavit or the new affidavit is correct and accurate as of the date of the hearing.

REAFFIRMATION OF AFFIDAVIT

In reference to the Affidavit dated _____ for the application of
(enter date of affidavit)

(enter name(s) of applicant(s))

in Application No(s): _____
(enter application number(s))

I, _____, do hereby state that I am an

(check one) applicant (must be listed in Par. 1(a) of the above-described affidavit)

applicant's authorized agent (must be listed in Par. 1(a) of the above-described affidavit)

and that to the best of my knowledge and belief, the following information is true:

(check one) I have reviewed the above-described affidavit, and the information contained therein is true and complete as of _____
(enter today's date)

I have reviewed the above-described affidavit, and I am submitting a new affidavit which includes changes, deletions or supplemental information to those paragraphs of the above-described affidavit indicated below:

(Check if applicable)

Paragraph 1(a)

Paragraph 2

Paragraph 1(b)

Paragraph 3

Paragraph 1(c)

WITNESS the following signature: _____
(check one) Applicant Applicant's Authorized Agent

(Type or print first name, middle initial, last name and title of signee)

Subscribed and sworn to before me this _____ day of _____, _____, in the
State/Commonwealth of _____, County/City of _____.

Notary Public

My Commission expires: _____