

Subdivision Performance Agreement FAQs

When is a Subdivision Performance Agreement and surety required?

Section 25-69(a) of the Hanover County Subdivision Ordinance requires that owners subdividing property enter into a performance agreement and post surety when required improvements have not been constructed and accepted for maintenance prior to the recordation of the subdivision plat.

Is there a standard form?

Yes, please use the form titled [Subdivision Performance Agreement for Subdivisions](#).

What types of surety can I use?

Section 25-70 of the Hanover County Subdivision Ordinance permits surety to be posted in the form of a cash bond, letter of credit, or corporate surety. Forms for each type of surety are available on the County website.

When do the required improvements need to be complete?

The timeline for completion is stated in the Subdivision Performance Agreement, but generally:

If the Subdivision Performance Agreement was recorded prior to August 25, 2021, improvements need to be completed prior to 18 months from the date of recordation.

If the Subdivision Performance Agreement was recorded after August 25, 2021, improvements need to be completed prior to 24 months from the date of recordation.

Can I request an extension of the deadline?

For 18 month agreements:

Yes, an extension may be granted for a period not to exceed 6-months.

For 24 month agreements:

One 3-month extension may be granted by the Director of Planning. Any extension after the one approved by the director shall be approved by the Planning Commission. In acting on the request for an extension, the Planning Commission shall indicate the length of the extension and the conditions, if any, of approval.

Please visit the [Performance Agreement and Bonding Process webpage](#) for the link to the Performance Agreement Extension for Subdivisions form.

NOTE: All extensions must be requested at least 60 days in advance of the deadline in order to be placed on a Planning Commission agenda.

More than 30% of the improvements have been completed, can I request a surety reduction?

Yes, once at least 30% of the improvements are completed, you can request a reduction by submitting a Request for a Reduction of Surety Application found on this webpage:

[Performance Agreement and Bonding Process webpage](#)

With the application, you will need to submit an estimate (Certification of Partial Completion), prepared by a Professional Engineer/Surveyor indicating percent of improvements and amenities completed and outlining deficiencies, a certification that a minimum of 30% of the work has been completed, and a fee in the amount of \$300.00, payable to the Treasurer of Hanover County.

All the improvements are completed, how do I request a release?

Please visit the [Performance Agreement and Bonding Process webpage](#) for the link to the Request for Surety Release Application. Submit the completed Request for Surety Release Application, fee and Final Engineer's/Surveyor's Certificate to the Hanover County Planning Department.

See "What is the surety release process?" for further details.

What is the surety release process?

Once Hanover receives the completed Request for Surety Release Application and all required attachments, the Planning Department, Department of Public Works and Department of Utilities will then inspect the subdivision and, if there are still outstanding items, will within 30 days send out a punch list of items that will need to be completed. If all items are completed, Hanover County will begin the process to release the bond.

If the subdivision has private roads, once all the Hanover inspections are completed and approved, Hanover will release the surety by sending a release letter to the developer. If the surety was a cash bond, the funds will be issued by the Treasurer's Office.

If the subdivision has public roads, once all the Hanover inspections are completed and approved, Hanover will notify VDOT. VDOT will begin the process to accept the roads into the state system. Once Hanover has been notified by VDOT that the roads have been accepted, Hanover will release the surety by sending a release letter to the developer. If the surety was a cash bond, the funds will be issued by the Treasurer's Office.

When does Hanover do inspections for improvements covered by the Subdivision Performance Agreement?

We will inspect the subdivision after receiving a Request for Surety Release or a Request for a Reduction of Surety.

What if I have questions about the specific improvements or punch list comments?

Please contact the Hanover County Planner assigned to the project at 804-365-6171.

What if I have questions about the process to request a release or other administrative items related to the surety?

Please contact the Planning Department, Business and Operations Manager at 804-365-6171 or by email at kemorton@hanovercounty.gov.