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## HOUSE BILL NO. 830

Offered January 14, 2004

Prefiled January 14, 2004

*A BILL to amend and reenact § 36-49.1 of the Code of Virginia, relating to housing authority law; conservation districts.*

\_\_\_\_\_  
Patron—Drake

\_\_\_\_\_  
Referred to Committee on General Laws

**Be it enacted by the General Assembly of Virginia:****1. That § 36-49.1 of the Code of Virginia is amended and reenacted as follows:**

§ 36-49.1. Undertakings constituting a conservation plan; conservations districts.

A. Whenever it appears to ~~the~~ a local governing body of ~~any county, city or town~~ that a portion of such ~~city, county or town~~ locality is deteriorating and may be eligible for conservation as provided by this section, and such governing body adopts a resolution so declaring, ~~an authority~~ the local governing body or its designated agency may, in addition to other powers granted by this or any other law, investigate such portion of the locality and select slum, blighted, deteriorated or deteriorating areas and prepare a plan for the conservation thereof to be known as a "conservation plan." Upon approval of such plan by the local governing body of ~~the city, county or town, the authority~~ by ordinance, which shall include a conservation plan, the local governing body or its designated agency is specifically empowered to do the following in order to carry out the work or undertaking as called for in such plan (hereinafter called a "conservation project"), *but only in areas designated by the local governing body in accordance with this section (hereinafter called a "conservation district") to:*

1. ~~To acquire~~ *Acquire* property within such areas ~~which the conservation district that is blighted,~~ designated for public use in the conservation plan, or the use or condition of which is inconsistent with the purposes of the conservation plan or the provisions of the zoning ordinance or code of the ~~city, county or town~~ locality;

2. ~~To rehabilitate~~ *Rehabilitate* or clear property in the conservation district so acquired;

3. ~~To provide~~ *Provide* for the installation, construction or reconstruction of streets, utilities, parks, parking facilities, playgrounds, public buildings and other site improvements essential to the conservation or rehabilitation planned pursuant to the conservation plan within the conservation district;

4. ~~To make~~ *Make* land or improvements within the conservation district so acquired available to private enterprise or public agencies (by sale, lease or retention of ownership by the authority itself);

5. ~~To assist~~ *Assist* the reconstruction of ~~project areas~~ properties in the conservation district by making loans or grants of funds received from any public or private source, for the purpose of facilitating the construction, reconstruction, rehabilitation or sale of housing or other improvements constructed or to be constructed on land situated within the boundaries of a conservation ~~project~~ district;

6. ~~To encourage~~ *Encourage* and assist property owners or occupants within the conservation ~~area~~ district to improve their respective holdings, by suggesting improved standards for design, construction, maintenance and use of such properties and offering encouragement or assistance in other ways including the power to lend money and make grants to owners or occupants, directed toward prevention and elimination of blight;

7. ~~To acquire~~ *Acquire*, construct or rehabilitate residential housing developments for occupancy by persons of low, moderate and middle income to be owned, operated, managed, leased, conveyed, mortgaged, encumbered or assigned by an authority *or other agency designated by the local governing body.*

~~Income~~ *If applicable, income* limits for such persons shall be determined for each conservation project by an authority by resolution adopted by a majority of its appointed commissioners, shall be adjusted for household size and may be revised as an authority deems appropriate. In connection with a residential housing development, an authority shall have all rights, power and privileges granted by subdivision 4 of § 36-19, and shall establish rental rates in accordance with § 36-21. This subdivision shall apply only to (i) a redevelopment and housing authority created by joint resolution adopted by a city council of a city on September 27, 1940, and a board of aldermen of a city on October 1, 1940, and approved by the mayor of a city on October 3, 1940, and (ii) a redevelopment and housing authority created by a November 2, 1965, referendum, the initial commissioners of which were appointed by a February 23, 1966, board of supervisors resolution; and

8. ~~The governing body shall conduct a public hearing prior to approval of a conservation plan~~ *Identify in the conservation plan residential dwelling units that are rented to tenants pursuant to the*

INTRODUCED

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**59** *Landlord Tenant Act (§ 55-217 et seq.) or the Virginia Residential Landlord Tenant Act (§ 55-248.2 et*  
**60** *seq.), to assist the local building official or other department designated by the local governing body in*  
**61** *enforcing any inspection program adopted by ordinance of the local governing body in accordance with*  
**62** *§ 36-105 for residential dwelling units rented to tenants.*  
**63** *B. The governing body shall conduct a public hearing prior to approval of a conservation plan.*