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HOUSE BILL NO. 2150

Offered January 14, 2009

Prefiled January 13, 2009

A BILL to amend the Code of Virginia by adding in Article 5 of Chapter 9 of Title 15.2 a section numbered 15.2-977, relating to contact persons for vacant residential properties.

Patron—Rust

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 5 of Chapter 9 of Title 15.2 a section numbered 15.2-977 as follows:

§ 15.2-977. Vacant building registration; mortgage lenders or mortgage loan service providers.

A. A locality may adopt an ordinance to require mortgage lenders or mortgage loan service providers, as applicable, to provide the chief administrative officer or designee of that locality (i) the street address or real property tax identification number and (ii) the name, street address, telephone number, and electronic address, if any, of a contact person on behalf of the mortgage lender or mortgage loan service provider who lives or works in the locality or within 25 miles of the locality, or within such greater distance as may be specified by the ordinance, for vacant residential properties located within that locality where a mortgage loan is in default for three months.

B. Any such ordinance may require that the mortgage lender or the mortgage loan service provider pay a \$25 processing fee to the locality for each such property at the time the contact information is provided.

C. The ordinance may provide that a civil summons may be issued for a violation of the ordinance. Mortgage lenders or mortgage loan service providers who violate such ordinance shall be subject to a civil penalty not to exceed \$500. Every charge authorized by this section with which the mortgage lenders or mortgage loan service providers have been assessed and that remains unpaid shall constitute a lien against such property, ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1.

D. For residential properties described in subsection A, if the mortgage lender or mortgage loan service provider, whichever applicable, has registered the loan on the property with a national mortgage loan electronic registration system to which the locality may have access and which registry includes a unique mortgage identification number specific to the loan and which number is tied to the name of the borrower, the street address of the property, and contact information consisting of the name, telephone number, and electronic address, if any, of the current mortgage lender or mortgage loan service provider and of the current property preservation contact, then the mortgage lender or mortgage loan service provider, whichever applicable, shall not have to also register that property with the locality and shall be deemed to have complied with any such ordinance.