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HOUSE BILL NO. 2045

Offered January 12, 2011

Prefiled January 11, 2011

A BILL to amend and reenact § 36-3 of the Code of Virginia, relating to housing; definition of blighted property.

Patron—Ebbin

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That § 36-3 of the Code of Virginia is amended and reenacted as follows:****§ 36-3. Definitions.**

The following terms, when used or referred to in this chapter, shall have the following respective meanings, unless a different meaning clearly appears from the context:

"Area of operation" means an area that (i) in the case of a housing authority of a city, shall be coextensive with the territorial boundaries of the city; (ii) in the case of a housing authority of a county, shall include all of the county, except that portion which lies within the territorial boundaries of (a) any city, and (b) any town that has created a housing authority pursuant to this chapter; (iii) in the case of a housing authority of a town, shall be coextensive with the territorial boundaries of the town as herein defined.

"Authority" or "housing authority" means any of the political subdivisions created by § 36-4.

"Blighted area" means any area that endangers the public health, safety or welfare; or any area that is detrimental to the public health, safety, or welfare because commercial, industrial, or residential structures or improvements are dilapidated, or deteriorated or because such structures or improvements violate minimum health and safety standards. This definition includes, without limitation, areas previously designated as blighted areas pursuant to the provisions of Chapter 1 (§ 36-1 et seq.) of this title.

"Blighted property" means any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of "spot blight." *For the purposes of determining spot blight under § 36-49.1:1, any residential structure (i) for which a building permit was not obtained or the building permit has been revoked or has expired in accordance with the Uniform Statewide Building Code and (ii) which endangers the public's health, safety, or welfare shall be deemed a blighted property.*

"Bonds" means any bonds, notes, interim certificates, debentures, or other obligations issued by an authority pursuant to this chapter.

"City" means the same as that term is defined in § 15.2-102.

"Clerk" means the clerk or secretary of the city or the clerk of the county, as the case may be, or the officer charged with the duties customarily imposed on such clerk.

"Conservation area" means an area, designated by an authority that is in a state of deterioration and in the early stages of becoming a blighted area, as defined in this section, or any area previously designated as a conservation area pursuant to this chapter.

"County" means the same as that term is defined in § 15.2-102.

"Derelict building" means the same as that term as defined in § 15.2-907.1 or in § 36-152.

"Farm structure" means the same as that term is defined in § 36-97.

"Farmers of low income" means persons of low income who derive their principal income from operating or working on a farm.

"Federal government" means the United States of America, the United States Department of Housing and Urban Development, or any other agency or instrumentality, corporate or otherwise, of the United States of America.

"Governing body" means, in the case of a city or town, the council (including both branches where there are two), and in the case of a county, the board of supervisors or other governing body.

"Housing project," means any work or undertaking: (i) to demolish, clear or remove buildings from any slum area; such work or undertaking may embrace the adoption of such area to public purposes, including parks or other recreational or community purposes; or (ii) to provide decent, safe and sanitary urban or rural dwellings, apartments or other living accommodations for persons of low and moderate income; such work or undertaking may include buildings, land, equipment, facilities and other real or

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59 personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service,
60 parks, site preparation, gardening, administrative, community, health, recreational, welfare or other
61 purposes; or (iii) to accomplish a combination of the foregoing. The term "housing project" also may be
62 applied to the planning of the buildings and improvements, the acquisition of property, the demolition of
63 existing structures or improvements, the construction, reconstruction, alteration and repair of the
64 improvements and all other work in connection therewith.

65 "Locality" means the same as that term is defined in § 15.2-102.

66 "Obligee of the authority" or "obligee" means any bondholder, trustee or trustees for any
67 bondholders, or lessor demising to the authority property used in connection with a project, or any
68 assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is
69 a party to any contract with the authority.

70 "Persons of low income" means persons or families determined by the authority to lack the amount
71 of income which is necessary to enable them to live in decent, safe and sanitary dwellings.

72 "Persons of moderate income" means persons or families determined by the authority to lack the
73 amount of income necessary to obtain affordable housing.

74 "Real property" means all lands, including improvements and fixtures thereon, and property of any
75 nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or
76 equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and
77 the indebtedness secured by such liens.

78 "Redevelopment area" means an area (including slum areas), designated by an authority, that is in a
79 state of blight that meets the criteria of a blighted area as defined in this section; or any area previously
80 designated as a redevelopment area pursuant to this chapter.

81 "Slum" means any area where dwellings predominate that, by reason of dilapidation, overcrowding,
82 lack of ventilation, light or sanitary facilities, or any combination of these factors, is detrimental to
83 safety, health, or morals.

84 "Spot blight" means a structure or improvement that is a blighted property as defined in this section.

85 "Spot blight abatement plan" means the written plan prepared by the owner or owners of record of
86 the real property to address spot blight. If the owner or owners of record of the real property fail to
87 respond as provided in § 36-49.1:1, the locality or the authority can prepare a spot blight abatement plan
88 to address the spot blight with respect to an individual commercial, industrial, or residential structure or
89 improvement, but may only implement such plan in accordance with the provisions of § 36-49.1:1.

90 "Town" means the same as that term is defined in § 15.2-102.