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HOUSE BILL NO. 755**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on Finance
on February 5, 2020)

(Patron Prior to Substitute—Delegate Aird)

A *BILL to amend and reenact § 58.1-3965 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 58.1-3221.6, relating to real property taxes; blighted and derelict properties in certain localities.*

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3965 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 58.1-3221.6 as follows:

§ 58.1-3221.6. Classification of blighted and derelict properties in certain localities.

A. For the purposes of this section:

"Blighted property" means the same as that term is defined in § 36-3.

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

"Qualifying locality" means a locality with a score of 107 or higher on the fiscal stress index, as published by the Department of Housing and Community Development, in fiscal year 2017.

B. In a qualifying locality, blighted properties, along with the land such properties are located on, are declared to be a separate class of property and shall constitute a separate classification for local taxation of real property.

C. In a qualifying locality, derelict buildings, along with the land such properties are located on, are declared to be a separate class of property and shall constitute a separate classification for local taxation of real property.

D. The governing body of a qualifying locality may, by ordinance, levy a tax on the property enumerated in subsection A at a rate different than that levied on other real property. The rate of tax imposed on such property may exceed the rate applicable to the general class of real property by up to five percent, but shall not be less than the rate applicable to the general class of real property.

E. The governing body of a qualifying locality may, by ordinance, levy a tax on the property enumerated in subsection B at a rate different than that levied on other real property. The rate of tax imposed on the property enumerated in subsection B may exceed the rate applicable to the general class of real property by up to 10 percent, but shall not be less than the rate applicable to the general class of real property.

F. Any tax levied pursuant to subsection C or D shall be imposed on a property upon a determination by the real estate assessor of the locality that such property constitutes either a blighted property or derelict structure, respectively. Such tax shall continue to be imposed until it has been determined by the real estate assessor of the locality that such property no longer constitutes a blighted property or derelict structure.

G. Any person aggrieved by the application of this section may appeal the determination by the real estate assessor as an erroneous assessment in accordance with Article 5 (§ 58.1-3980 et seq.) of Chapter 39.

§ 58.1-3965. When land may be sold for delinquent taxes; notice of sale; owner's right of redemption.

A. When any taxes on any real estate in a locality are delinquent on December 31 following the second anniversary of the date on which such taxes have become due, or, in the case of real property upon which is situated (i) any structure that has been condemned by the local building official pursuant to applicable law or ordinance; (ii) any nuisance as that term is defined in § 15.2-900; (iii) any derelict building as that term is defined in § 15.2-907.1; or (iv) any property that has been declared to be blighted as that term is defined in § 36-49.1:1, the first anniversary of the date on which such taxes have become due, such real estate may be sold for the purpose of collecting all delinquent taxes on such property.

However, in a qualifying locality, as defined in § 58.1-3221.6, whenever (a) taxes on any real estate in the locality are delinquent upon the expiration of six months following the date on which such taxes became due and (b) the locality has incurred abatement costs which remain unpaid upon the expiration of six months following the date on which the abatement costs were first incurred, real estate meeting the conditions described in clause (i), (ii), (iii), or (iv) may be sold for the purpose of collecting all delinquent taxes and abatement costs on such property. For the purposes of this section, "abatement costs" means costs incurred by a locality that result from the conditions described in clause (i), (ii), (iii), or (iv).

Upon a finding by the court, on real estate with an assessed value of \$100,000 or less in any

60 locality, that ~~(i)~~ (a) any taxes on such real estate are delinquent on December 31 following the first
61 anniversary of the date on which such taxes have become due or ~~(ii)~~ (b) there is a lien on such real
62 estate pursuant to § 15.2-900, 15.2-906, 15.2-907, 15.2-907.1, 15.2-908.1, or 36-49.1:1, which lien
63 remains unpaid on December 31 following the first anniversary of the date on which such lien was
64 recorded, the property shall be deemed subject to sale by public auction pursuant to proper notice under
65 this subsection.

66 The officer charged with the duty of collecting taxes for the locality wherein the real property lies
67 shall, at least 30 days prior to instituting any judicial proceeding pursuant to this section, send a notice
68 to ~~(i)~~ (1) the last known address of the property owner as such owner and address appear in the records
69 of the treasurer, ~~(ii)~~ (2) the property address if the property address is different from the owner's address
70 and if the real estate is listed with the post office by a numbered and named street address and ~~(iii)~~ (3)
71 the last known address of any trustee under any deed of trust, mortgagee under any mortgage and any
72 other lien creditor, if such trustee, mortgagee or lien creditor is not otherwise made a party defendant
73 under § 58.1-3967, advising such property owner, trustee, mortgagee or other lien creditor of the
74 delinquency and the officer's intention to take action. Such notice shall advise the taxpayer that the
75 taxpayer may request the treasurer to enter into a payment agreement to permit the payment of the
76 delinquent taxes, interest, and penalties over a period not to exceed 36 months in accordance with the
77 provisions of subsection C. Such officer shall also cause to be published at least once a list of real
78 estate which will be offered for sale under the provisions of this article in a newspaper of general
79 circulation in the locality, at least 30 days prior to the date on which judicial proceedings under the
80 provisions of this article are to be commenced.

81 The pro rata cost of such publication shall become a part of the tax and together with all other costs,
82 including reasonable attorneys' fees set by the court and the costs of any title examination conducted in
83 order to comply with the notice requirements imposed by this section, shall be collected if payment is
84 made by the owner in redemption of the real property described therein whether or not court
85 proceedings have been initiated. A notice substantially in the following form shall be sufficient:

86 Notice

87 Judicial Sale of Real Property

88 On..... (date)..... proceedings will be commenced under the authority of § 58.1-3965 et seq. of the
89 Code of Virginia to sell the following parcels for payment of delinquent taxes:
90 (description of properties)

91 B. The owner of any property listed may redeem it at any time before the date of the sale by paying
92 all accumulated taxes, penalties, reasonable attorneys' fees, interest and costs thereon, including the pro
93 rata cost of publication hereunder. Partial payment of delinquent taxes, penalties, reasonable attorneys'
94 fees, interest or costs shall not be sufficient to redeem the property, and shall not operate to suspend,
95 invalidate or make moot any action for judicial sale brought pursuant to this article.

96 C. Notwithstanding the provisions of subsection B and of § 58.1-3954, the treasurer or other officer
97 responsible for collecting taxes may suspend any action for sale of the property commenced pursuant to
98 this article upon entering into an agreement with the owner of the real property for the payment of all
99 delinquent amounts in installments over a period which is reasonable under the circumstances, but in no
100 event shall exceed 36 months. Any such agreement shall be secured by the lien of the locality pursuant
101 to § 58.1-3340.

102 D. During the pendency of any installment agreement permitted under subsection C, any proceeding
103 for a sale previously commenced shall not abate, but shall be continued on the docket of the court in
104 which such action is pending. It shall be the duty of the treasurer or other officer responsible for
105 collecting taxes to promptly notify the clerk of such court when obligations arising under such an
106 installment agreement have been fully satisfied. Upon the receipt of such notice, the clerk shall cause
107 the action to be stricken from the docket.

108 E. In the event the owner of the property or other responsible person defaults upon obligations
109 arising under an installment agreement permitted by subsection C, or during the term of any installment
110 agreement, defaults on any current obligation as it becomes due, such agreement shall be voidable by
111 the treasurer or other officer responsible for collecting taxes upon 15 days' written notice to the
112 signatories of such agreement irrespective of the amount remaining due. Any action for the sale
113 previously commenced pursuant to this article may proceed without any requirement that the notice or
114 advertisement required by subsection A, which had previously been made with respect to such property,
115 be repeated. No owner of property which has been the subject of a defaulted installment agreement shall
116 be eligible to enter into a second installment agreement with respect to the same property within three
117 years of such default.

118 F. Any corporate, partnership or limited liability officer, as those terms are defined in § 58.1-1813,
119 who willfully fails to pay any tax being enforced by this section, shall, in addition to other penalties
120 provided by law, be liable to a penalty of the amount of the tax not paid, to be assessed and collected in
121 the same manner as such taxes are assessed and collected.

122 G. During the pendency of the action, the circuit court in which the action is pending may, on its
123 own motion or on the motion of any party, refer the parties to a dispute resolution proceeding pursuant
124 to the provisions of Chapter 20.2 (§ 8.01-576.4 et seq.) of Title 8.01.

125 H. In any case in which real estate subject to delinquent taxes is situated in two or more
126 jurisdictions, a suit to sell the entirety of the real estate pursuant to this article may be brought in a
127 single jurisdiction provided that (i) taxes are delinquent in all jurisdictions for periods not less than the
128 minimum applicable periods set forth in subsection A and (ii) the treasurer of each jurisdiction within
129 which the property is situated consents to the suit.

130 The suit shall identify the taxes, penalties, interest, and other charges due in each jurisdiction. The
131 publications and notices required pursuant to this section shall identify each of the jurisdictions in which
132 the property is situated. Upon sale of the property, the order confirming the sale shall provide for the
133 payment of taxes, penalties, interest, and other charges to each jurisdiction, and copies of the order
134 confirming the sale and the deed conveying the property to the purchaser shall be recorded among the
135 land records of the clerk's office of the circuit court for each jurisdiction within which the property that
136 is the subject of the suit is situated.