

VIRGINIA ACTS OF ASSEMBLY -- 1994 SPECIAL SESSION II

CHAPTER 10

An Act to amend the Code of Virginia by adding a section numbered 36-49.1:1, relating to powers of housing authorities; spot blight abatement.

[H 5008]

Approved October 26, 1994

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 36-49.1:1 as follows:

§ 36-49.1:1. Spot blight abatement authorized; procedure.

A. Notwithstanding any other provision of this article, an authority shall have the power to acquire any blighted property, as defined in § 36-49 of this title, outside of a conservation or redevelopment area, by exercise of the powers of eminent domain provided in Title 25, and, further, shall have the power to hold, clear, manage or dispose of such property for purposes consistent with this title. This power shall be exercised only in accordance with the procedures set forth in this section.

B. The chief executive or designated agency or authority of the county, city, or town shall make a preliminary determination that a vacant property is blighted. It shall notify the owner, specifying the reasons why the property is considered blighted. The owner shall have thirty days within which to respond with a plan to cure the blight within a reasonable time.

C. If the owner fails to respond within the thirty-day period with a plan that is acceptable to the agency or authority, the agency or authority (i) may request the local planning commission to conduct a public hearing and make findings and recommendations that shall be reported to the governing body of the county, city, or town concerning the disposition of the property in question, and (ii) in the event a public hearing is scheduled, shall prepare a plan for the disposition of the property.

D. Not less than three weeks prior to the date of the public hearing before the planning commission, the commission shall provide by regular and certified mail, notice of such hearing to (i) the owner of the blighted property or the agent designated by him for receipt of service of notices concerning the payment of real estate taxes within the locality; (ii) the abutting property owners in each direction, including those property owners immediately across the street or road from the property; and (iii) the representative neighborhood association, if any, for the immediate area. The notice shall include the plan for the intended disposition of the property by the authority. The notice of the public hearing shall be published at least twice, with not less than six days elapsing between the first and second publication in a newspaper published or having general circulation in the county, city, or town in which the property is located. The notice also shall be posted on the property. The notice shall specify the time and place of the hearing at which persons affected may appear and present their views, not less than six days nor more than twenty-one days after the second publication.

E. The planning commission shall determine whether:

- 1. The owner has failed to cure the blight or present a reasonable plan to do so;*
- 2. The property is vacant and blighted;*
- 3. The plan of the authority for the disposition of the property is in accordance with the locally adopted comprehensive plan, zoning ordinances, and other applicable land use regulations; and*
- 4. The property is located within an area listed on the National Register of Historic Places. In such instances, the planning commission shall consult with the locally established architectural review board, if any, regarding the proposed disposition of the property by the authority.*

F. The planning commission shall report its findings and recommendations concerning the property to the governing body. The governing body, upon receipt of such findings and recommendations, may, after an advertised public hearing, affirm, modify, or reject the planning commission's findings and recommendations. If the acquisition of the property is approved, the authority may carry out the approved plan to acquire and dispose of the property in accordance with the approved plan, the provisions of this section, and applicable law.

G. The provisions of this section shall be cumulative and shall be in addition to any remedies for spot blight abatement that may be authorized by § 15.1-238 or any other provision of law.