

VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

CHAPTER 393

An Act to amend and reenact § 15.1-37.3:9 of the Code of Virginia, relating to housing.

[H 2269]

Approved March 18, 1995

Be it enacted by the General Assembly of Virginia:

1. That § 15.1-37.3:9 of the Code of Virginia is amended and reenacted as follows:

§ 15.1-37.3:9. Local funding for repair or production of low and moderate income rental property or repair of residential property; other housing experiments.

A. It is hereby declared that the preservation of existing housing in safe and sanitary condition and the production of new housing for persons of low and moderate income are public purposes and uses for which public money may be spent, and that such preservation and production are governmental functions of concern to the Commonwealth. Therefore, the governing body of any county, city, or town may provide by ordinance that such county, city, or town may make grants or loans to owners of residential rental property occupied, or to be occupied, following rehabilitation or after construction if new, by persons of low and moderate income, for the purpose of rehabilitating or producing such property. Owners assisted in this manner must provide a minimum of twenty percent of the units for low and moderate income persons as defined by the locality for a minimum of ten years. Participation by an owner under this section is voluntary.

The governing body of any county, city or town in the ordinance herein authorized may:

1. Provide for the installation, construction, or reconstruction of streets, utilities, parks, parking facilities, playgrounds, and other site improvements essential to the development, preservation or rehabilitation planned;

2. Provide encouragement or financial assistance to the owners or occupants for developing or preserving and upgrading apartment buildings and for improving health and safety, conserving energy, preventing erosion, enhancing the neighborhood, and reducing the displacement of low and moderate income residents of the property;

3. Require that the owner agree to maintain a portion of the property in residential rental use for a period longer than ten years and that a portion of the dwelling units in the property be offered at rents affordable to persons or families of low and moderate income; and

4. Provide that the value of assistance given by the county, city or town under subdivisions 1 and 2 above be proportionate to the value of considerations rendered by the owner in maintaining a portion of the dwelling units at reduced rents for persons or families of low and moderate income.

B. The governing body of any county having a county charter with a population between 200,000 and 215,000 may provide by ordinance that such county may use public funds to repair existing residential dwellings damaged by foundation failures caused by high clay content soil subject to moisture-related shrinking and swelling. Such ordinance may place conditions on the use or expenditure of such public funds. The expenditure of such public funds by a locality under this subsection during a fiscal year shall not exceed two percent of the locality's locally derived revenues from that fiscal year.

For purposes of this subsection, the term "public funds" shall include only general tax revenues from real and personal property, and shall not include any special fee, assessment, or other tax or charge, however denominated.

Any locality who adopts such an ordinance shall keep funds collected for building permit fees and any funds received from any other fees collected under any special act in separate accounts, and separate from other locally derived revenues, and may not use fees collected for building permits or fees collected under any special act, directly or indirectly, for purposes authorized under this subsection.

C. *In addition, any locality which does not have a redevelopment and housing authority as authorized by Chapter 1 (§ 36-1 et seq.) of Title 36, shall be authorized to engage in research, studies, and experimentation in housing alternatives, including the rehabilitation of existing housing stock and the construction of additional housing.*