

LD2527701

## HOUSE BILL NO. 2609

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws  
on February 16, 1995)

(Patron Prior to Substitute—Delegate Hull)

A BILL to amend and reenact §§ 36-49.1:1 and 36-105 of the Code of Virginia, relating to spot blight abatement.

Be it enacted by the General Assembly of Virginia:

1. That §§ 36-49.1:1 and 36-105 of the Code of Virginia are amended and reenacted as follows:

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

A. Notwithstanding any other provision of this article, an authority and any county that has an urban county executive form of government and does not have an authority and those counties, cities and towns adjacent to or surrounded by such county which also do not have an authority, shall have the power to acquire or repair 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, repair, 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 chief executive of the agency or authority or locality, 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 repair or other disposition of the property in question and (ii) in the event a public hearing is scheduled, shall prepare a plan for the repair or other 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 repair or other 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 repair or other 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 repair or other 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 repair or other disposition of the property is approved, the authority, agency or locality may carry out the approved plan to repair or 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.

§ 36-105. Enforcement of Code; appeals from decisions of local department; inspection of buildings.

Enforcement of the Building Code shall be the responsibility of the local building department. There

60 shall be established within each local building department a local board of Building Code appeals whose  
61 composition, duties and responsibilities shall be prescribed in the Building Code. Appeals from the local  
62 building department concerning application of the Building Code or refusal to grant a modification to  
63 the provisions of the Building Code covering the manner of construction or materials to be used in the  
64 erection, alteration or repair of a building or structure shall first lie to the local board of Building Code  
65 appeals. No appeal to the State Building Code Technical Review Board shall lie prior to a final  
66 determination by the local board of Building Code appeals. Whenever a county or a municipality does  
67 not have such a building department or board of Building Code appeals, the local governing body shall  
68 enter into an agreement with the local governing body of another county or municipality or with some  
69 other agency, or a state agency approved by the Department for such enforcement and appeals resulting  
70 therefrom. For the purposes of this section, towns with a population of less than 3,500 may elect to  
71 administer and enforce the Building Code; however, where the town does not elect to administer and  
72 enforce the Building Code, the county in which the town is situated shall administer and enforce the  
73 Building Code for the town. In the event such town is situated in two or more counties, those counties  
74 shall administer and enforce the Building Code for that portion of the town which is situated within  
75 their respective boundaries. Fees may be levied by the local governing body in order to defray the cost  
76 of such enforcement and appeals.

77 Any building or structure may be inspected at any time before completion, and shall not be deemed  
78 in compliance until approved by the inspecting authority. Where the construction cost is less than  
79 \$1,000, however, the inspection may, in the discretion of the inspecting authority, be waived. The  
80 building official shall coordinate all reports of inspections for compliance with the Building Code, with  
81 inspections of fire and health officials delegated such authority, prior to issuance of an occupancy  
82 permit.

83 The local governing body may also inspect and enforce the Building Code for existing buildings and  
84 structures, whether occupied or not, including such regulations for elevators. Such inspection and  
85 enforcement shall be carried out by an agency or department designated by the local governing body.

86 The local governing body may, upon an affirmative finding of the need to protect the public health,  
87 safety and welfare, require the issuance of certificates of compliance with current building regulations  
88 for existing residential buildings located in conservation and rehabilitation districts designated by the  
89 local governing body, *or in other areas designated as blighted pursuant to § 36-49.1:1*, after inspections  
90 of such buildings upon termination of the rental tenancies or when such rental property is sold. Such  
91 certificate of compliance shall be issued in accordance with the administrative provisions of the Uniform  
92 Statewide Building Code.