



Virginia Local Government Law

What To Do About Blight? Virginia Localities' Blight Toolbox

By: Andrew McRoberts. *Thursday, June 9th, 2011*

Looks like blight. Or is it? And what can a locality do about it?

One of the problem issues for Virginia local governments and their officials and employees across the state is how to deal with blight. Such structures, singular or in groups, can become a large problem to a community. Often, historic structures fall victim to lack of maintenance, or neighborhoods suffer because of harmful and dangerous conditions. Fortunately, there are a number of tools localities can use to address blight in their communities.

The tools can be broken down into three groups, based upon what conditions (and preconditions) exist.

I. Tools available if a blighted structure presents an "imminent and immediate threat to the health, safety or welfare of the general public:"

(A) Tool # 1 — If the locality has adopted Part III of the Virginia Uniform Statewide Building Maintenance Code (the "Property Maintenance Code"), the local building officials can authorize emergency repairs to or demolition of the blighted property and recover the cost of abatement from the owner of the blighted structure. In emergency situations, the official can even authorize repairs to make the structure temporarily safe or even demolish structures under certain circumstances.

(B) Tool #2 — Any locality may utilize §15.2-900 of the Code of Virginia and abate, raze, or remove the unsafe or dangerous blighted structure and recover the cost of abatement from the owner of the blighted structure.

II. Tools available if a "blighted structure is unsafe or unfit but does NOT present an imminent or immediate threat or danger to the general public:"

(A) Tool #1 – If the locality has adopted the Property Maintenance Code, the building official can direct the owner to make the necessary repairs or improvements to the blighted structure. If the

<http://valocalitylaw.com/>

[Richmond](#) • [Christiansburg](#) • [Fredericksburg](#) • [Research Triangle](#) • [McLean](#)

Copyright Sands Anderson PC

THE INFORMATION CONTAINED IN OUR WEB SITE DESCRIBES LEGAL MATTERS HANDLED IN THE PAST BY OUR ATTORNEYS. OF COURSE, THE RESULTS WE HAVE ACHIEVED DEPEND UPON A VARIETY OF FACTORS UNIQUE TO EACH MATTER. BECAUSE EACH MATTER IS DIFFERENT, OUR PAST RESULTS CANNOT PREDICT OR GUARANTEE A SIMILAR RESULT IN THE FUTURE.

owner fails to comply with the Building Official's directive within 30 days, the Building Official can secure, repair, vacate, condemn or demolish the blighted structure and recover the cost of abatement from the owner. The Property Maintenance Code contains comprehensive procedures for dealing with blighted structures.

(B) Tool #2 — Upon adoption of an ordinance, any locality can utilize §15.2-906 of the Code of Virginia and require the owner to remove, repair, or secure any building, wall or other structure which might endanger public health or safety. If the owner fails to comply the locality's directive, the locality can remove, repair, secure or provide exterior maintenance to the blighted structure and recover the cost of abatement from the owner or place a lien on the property after giving written notice and after publishing such notice in a newspaper of general circulation in the community, and even prescribe civil penalties for violations of the ordinance.

(C) Tool #3 — Any city or town (but not county) can utilize §15.2-1115 of the Code of Virginia and compel the abatement or removal of all nuisances, including unsafe, dangerous or unsanitary buildings, walls or structures which constitute a menace to the health and safety of the occupants thereof or the public. If the owner fails to comply the locality's directive, the locality can abate the nuisance and recover the cost of abatement from the owner. Every such cost in excess of \$200 which has been assessed against the owner of any such property and which remains unpaid shall constitute a lien against such property and shall have the same priority as other unpaid local taxes.

(D) Tool #4 — Any locality can utilize the Spot Blight provisions in §§36-49.1:1 and 36-19.5 of the Code of Virginia to acquire "blighted properties" through purchase or eminent domain of their owners fail to properly maintain them. Effective tool to deal with absentee owners by getting these blighted (and often historic) properties out of the hands of neglectful owners and into the hands of new owners that will maintain them properly. As used here, a "blighted property" is defined in part as "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." There are procedural requirements and limitations contained in the statutes.

(E) Tool #5 — Any locality can utilize §§ 58.1-3965 and 58.1-3870.1 of the Code of Virginia to sell blighted properties in order to recover delinquent real estate taxes and get blighted properties out of the hands of neglectful owners and into the hands of new owners who will maintain them. Note: This firm uses these statutes to recover delinquent taxes for a large number of local government clients, and our services are typically paid for by the delinquent taxpayers themselves through statutorily-permitted and judicially-mandated fees.

III. Tool available to abate a blighted structure that might endanger the public's health, safety or welfare, which for a continuous period in excess of six months has been vacant and boarded up in accordance with the building code and has not had any utility service (i.e. a "derelict building").

<http://valocalitylaw.com/>

[Richmond](#) • [Christiansburg](#) • [Fredericksburg](#) • [Research Triangle](#) • [McLean](#)

Copyright Sands Anderson PC

THE INFORMATION CONTAINED IN OUR WEB SITE DESCRIBES LEGAL MATTERS HANDLED IN THE PAST BY OUR ATTORNEYS. OF COURSE, THE RESULTS WE HAVE ACHIEVED DEPEND UPON A VARIETY OF FACTORS UNIQUE TO EACH MATTER. BECAUSE EACH MATTER IS DIFFERENT, OUR PAST RESULTS CANNOT PREDICT OR GUARANTEE A SIMILAR RESULT IN THE FUTURE.

(A) Tool #1 — By ordinance, any locality can utilize §15.2-907.1 of the Code of Virginia and establish a tax abatement program to encourage the owners of any “derelict building” — as defined — to demolish or renovate such buildings, using a combination of required abatement plans, expedited procedures and tax breaks for the owner.

Used properly by localities, these tools can make the difference in our communities. What tools are being used in your communities, or what problems with blight have you seen?

<http://valocalitylaw.com/>

[Richmond](#) • [Christiansburg](#) • [Fredericksburg](#) • [Research Triangle](#) • [McLean](#)

Copyright Sands Anderson PC

THE INFORMATION CONTAINED IN OUR WEB SITE DESCRIBES LEGAL MATTERS HANDLED IN THE PAST BY OUR ATTORNEYS. OF COURSE, THE RESULTS WE HAVE ACHIEVED DEPEND UPON A VARIETY OF FACTORS UNIQUE TO EACH MATTER. BECAUSE EACH MATTER IS DIFFERENT, OUR PAST RESULTS CANNOT PREDICT OR GUARANTEE A SIMILAR RESULT IN THE FUTURE.