



USING VIRGINIA CODE PROVISIONS TO COMBAT BLIGHT

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Va. Code Section 15.2-900

Locality can:

- Maintain an action to compel abatement of a "nuisance"
- Undertake abatement without prior notice if imminent threat
- Recover emergency response costs
- Lien against real property for unpaid costs (s. authorized under 15.2-900(4))



Va. Code Section 15.2-900 cont'd

"Nuisance" defined as:

- Dangerous or unhealthy substances released or accumulated
- Unsafe, dangerous or unsanitary buildings, walls or structures

★ *Va. Code Section 15.2-900*
cont'd

"Responsible party" defined as:

- Owner, occupier or possessor of premises
- Owner or agent of material released
- Owner or agent transporting material

★ *Va. Code Section 15.2-901*

Locality can:

- Require owner to remove trash, litter, garbage, refuse and car, tires & wheels
- Perform abatement after reasonable notice to owner
- Charge owner for abatement
- Place lien on property for unpaid costs (priority)
- Withdraw lien to allow property transfer

★ *Va. Code Section 15.2-906*

Locality can:

- Require owner to remove, repair or secure building, wall or structure which "might" endanger public health & safety
- Perform abatement after written notice to owner and lien holder by certified mail and publication

★ Va. Code Section 15.2-906
cont'd

- Charge owner for abatement
- Place lien on property for unpaid costs (priority)
- Waive lien to allow property transfer

★ Va. Code Section 15.2-907

- Locality can:
- Require owner of property to combat "drug blight"
 - Perform abatement after written notice to owner (remove, repair or secure)
 - Charge owner for abatement
 - Place lien on property for unpaid costs (priority)

★ Va. Code Section 15.2-907
cont'd

- "Drug blight" defined as:
- Regular presence on property of persons under influence of drugs
 - Regular use of property to sell, possess, manufacture, or distribute drugs



Va. Code Section 15.2-908.1

Locality can:

- Require owner of property to correct a "bawdy place"
- Perform abatement after written notice to owner (remove, repair or secure)
- Charge owner for abatement
- Place lien on property for unpaid costs (priority)



Va. Code Section 15.2-908.1
cont'd

"Bawdy place" defined as:

- Any place within or without any building used for lewdness or prostitution
- Regular presence on property of persons engaging in lewdness or prostitution



Va. Code Section 15.2-909

Locality can:

- Require owner to remove or repair any abandoned vessel or derelict pier, piling or bulkhead
- Perform abatement after reasonable notice to owner or after publication if owner unknown
- Charge owner for abatement

★ *Va. Code Section 15.2-909*
cont'd

- Place lien against owner's real property (no priority)
- Reduce lien to personal judgment

★ *Va. Code Section 15.2-1115*

- Municipal Corporation can:
- Compel abatement of all nuisances (weeds, snow on sidewalks, unhealthy substances, filling, drainage, unsafe structures)
 - Perform abatement after reasonable notice to owner or occupants
 - Charge the owner or occupant for abatement
 - Place lien for charges assessed in excess of \$200 which are unpaid (priority)

★ *Va. Code Section 15.2-1127*

- City can:
- Require registration of building vacant for over 12 months
 - Assess registration fee of \$25.00
 - Impose civil penalty of \$50.00 to \$250.00 for failure to register after written notice



Va. Code Section 18.2-258

"Common nuisance" defined as:

Any structure, vessel, vehicle or aircraft that is frequented with knowledge of owner, operator, lessor or tenant by persons under the influence of drugs or for possessing, manufacturing or distributing drugs



*Va. Code Section 18.2-258
cont'd*

Penalties provided:

- Knowing violation is a class 1 misdemeanor
- Second offense is class 6 felony
- Closure of premises after notice and hearing
- Immediate termination of rental agreement
- Forfeiture



Va. Code Section 36-49.1:1

Locality can:

- Acquire, clear or repair "blighted" property after notice and hearing before planning commission and governing body
- Charge owner for abatement
- Place a lien on property for abatement costs (no priority)
- Alternatively, declare blighted property a nuisance by ordinance and abate (priority)

★ Va. Code Section 36-49.1:1
cont'd

"Blight" defined as:

Any individual, commercial, industrial or residential structure or improvement that endangers the public's health, safety, and welfare because the structure or improvement is dilapidated, deteriorated, or violates minimum health and safety standards.

★ Va. Code Sections 48-1 to 48-6

Authorizes filing of complaint by 5 or more citizens regarding existence of public nuisance
Requires summoning a special grand jury
Person causing nuisance and owner who permits it to continue are made responsible
Provides penalty of up to \$10,000 plus costs
Requires removal and abatement

★ Blight and Tax Delinquencies

City can force tax sale if taxes unpaid after one year (Va. Code sec. 58.1-3965.1)
Property presumed "abandoned" if taxes unpaid for two years (Va. Code sec. 58.1-3965)
"Deed over" to locality any property assessed at \$50,000 or less where the unpaid taxes and liens exceed 50% of assessed value (Va. Code sec. 58.1-3970.1) which allows locality to control resale or rehab with reverter clauses
