

Blight Fighting Techniques Currently Available in Virginia

Technique	Description	Statutory Authority	Eligible Entities	Previous Notice Required	Charge to Owner	Civil Penalties	Liens Authorized
Nuisance Abatement Generally							
Public nuisance abatement	Locality may bring an action to compel the responsible party [owner, occupant, etc.] to abate a nuisance or, if an imminent and immediate threat to life and property, abate the nuisance and recover costs. Nuisances may include substances or structural conditions.	§ 15.2-900	Localities [Any county, city or town]		✓		
Removal of trash; weed and grass cutting	Locality may adopt an ordinance requiring property owners to remove trash, etc. that endanger the safety of residents and require cutting grass, weeds, etc. on vacant properties. The locality may perform the work and bill the owner if no action results after reasonable notice. Special provisions for Colonial Heights, Newport News, Winchester, Williamsburg and localities in Planning District 8.	§ 15.2-901	Localities; special provisions for Northern Virginia and four cities,	✓	✓	✓	✓
Removal/repair of buildings/structures	Locality may adopt an ordinance to require owners remove, repair, or secure any building, wall or structure that might endanger public health or safety. The locality may perform the work and bill the owner if no action results after reasonable notice. A locality may waive the liens to facilitate the transfer of property.	§ 15.2-906	Localities	✓	✓	✓	✓
Abatement or removal of nuisances	A city or town may compel the abatement of various conditions: e.g., weed and snow removal, the filling of land, the repair/removal of unsafe buildings, walls, or structures etc. If the owner fails to respond after proper notice, the municipality may do the work and collect the cost from the owners, occupants, etc. in the same manner as for overdue taxes.	§ 15.2-1115	Municipal Corporations [towns and cities]	✓	✓		✓

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Special Types of Blighting Conditions							
Drug Blight	A locality may adopt an ordinance requiring the removal, repair or securing of buildings or other structures where (i) "drug blight," exists on the property, (ii) the locality has used diligence to abate the drug blight, and (iii) the drug blight constitutes a present threat to the public's health, safety or welfare. The locality must notify the property owner and provide for an administrative hearing. The locality may charge the owner for its costs in taking corrective action and place a lien against the property to recover those costs.	§ 15.2-907	Localities	✓	✓		✓
Bawdy places	A locality may adopt an ordinance requiring a property owner to correct a bawdy place, defined as a place or building used for lewdness or prostitution. The locality must prepare an affidavit citing the existence of the bawdy house and give the owner of the property written notice to abate and a copy of the affidavit. If the owner fails to abate the bawdy house, the locality can do so and charge its costs to the owner. The locality may place a lien, equivalent to a tax lien, against the property to recover its costs.	§ 15.2-908.1	Localities	✓	✓		✓
Bawdy places	Virginia's nuisance statutes permit actions to enjoin and abate property and fixtures used for the purpose of lewdness, assignation or prostitution. The Commonwealth Attorney, Attorney General, or any responsible citizen may bring an action against both the person conducting or maintaining the nuisance and the owner or agent for the property.	§ 48-7 § 48-8	Local or state law enforcement officials and private citizens				

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Drug Activities	The owner, operator, lessor, tenant, or manager of a structure, vehicle, aircraft or vessel that knowingly allows its use by persons under the influence of drugs, or for the possession, manufacture, or distribution of drugs is guilty of a class 1 misdemeanor for maintaining a "common nuisance." A second or subsequent offense is a class 6 felony. A court may close the premises after holding a hearing. A landlord may seek the immediate termination of a violator's rental agreement.	§ 18.2-258 § 18.2-258.01; see § 55-248.31 for landlord remedies.	Local or state law enforcement officials and private citizens				
Alcohol Violations	. . . building, club or fraternity or lodge rooms . . . and places of every description where alcoholic beverages are manufactured, stored, sold dispensed, given away or used contrary to law . . . shall be deemed a common nuisances, which is a class 1 misdemeanor.	§ 4.1-317	Local or state law enforcement officials and private citizens				
Special Grand Juries	This procedure permits five or more citizens to petition the local circuit court to impanel a special grand jury to investigate whether an activity constitutes a nuisance. If the grand jury finds that it is, the person creating or permitting the nuisance to continue may be subject to a fine of up to \$25,000 and can be ordered to remove the nuisance and pay the removal costs.	§§ 48.1-48.6	Citizen initiated				

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Tax Delinquent Properties							
Tax delinquent properties	A locality may file a petition to have property with an assessed value of ≤\$100,000 sold for delinquent real estate taxes following the <i>first</i> anniversary of its delinquency <i>if</i> it has been (i) condemned by the local building official, (ii) declared a “derelict building” in accordance with the derelict structures statute, <i>or</i> (iii) declared blighted in accordance with “spot blight” procedures. As with all tax sales, the locality is required to provide notice to the last known address of the owner and any trustee, lien holder, etc. The locality may sell other properties, regardless of their value, at a delinquent tax sale following the <i>second</i> anniversary of the date on which the taxes have become due.	§ 58.1-3965	Localities	✓	✓		✓
Tax delinquent properties	The circuit court may transfer the title of a tax delinquent property to a locality when the property is assessed at ≤\$50,000, it has delinquent taxes or a nuisance abatement lien, and the taxes, liens and penalties exceed fifty percent of the assessed value of the property.	§ 58.1-3970.1	Localities	✓			✓

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Vacant Property Registration							
Vacant property	A city may adopt an ordinance requiring the registration of any building that is vacant for more than 12 months. The city can levy a registration fee of up to \$25. The law permits the imposition of a \$50 (\$250 in conservation or blighted areas) penalty for non-compliance.	§ 15.2-1127	Any city; conservation and redevelopment areas in the Town of Pulaski	✓		✓	
Spot Blight							
Individual blighted properties	A local redevelopment and housing authority or a locality may acquire or repair blighted properties anywhere within the locality. The locality must give the owner of record both notice and an opportunity to prepare a plan to correct the blight. If the owner fails to respond or prepare an adequate plan, the locality may declare the property as blighted. The locality can then proceed to repair or acquire the blighted property. The locality can place a lien, equivalent to a tax lien, on the property to recover its costs for bringing the property into compliance with the building code. The locality can recover its costs from the proceeds of any sale or disposition of the property by the owner. Although a locality can acquire such properties through eminent domain, it cannot acquire occupied residential property using the spot blight process unless it is unfit for human habitation. In lieu of eminent domain proceedings, the locality may by ordinance declare the blighted property a nuisance and proceed against it in accordance with the existing nuisance abatement process.	§ 36-49.1:1	Localities; housing and redevelopment authorities	✓	✓		✓

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Blighted individual residential properties	The authority may acquire a blighted single- or multi-family dwelling by purchase or eminent domain. The authority must give the owner written notice and 60 days to correct the blight or prepare a satisfactory remediation plan. If the owner fails to correct the blight or prepare an adequate plan, the authority may request the local governing body to adopt a resolution authorizing it to acquire the property on its behalf. While less cumbersome than the spot blight procedure authorized by § 36-49.1:1 and omits the prohibition on the acquisition of occupied properties, this procedure is only applicable to residential properties within the authority's area of operation.	§ 36-19.5	Housing and redevelopment authorities	✓			
Redevelopment and Housing Authorities							
Comprehensive redevelopment of blighted areas; blight prevention in conservation areas	Local housing and redevelopment authorities may, in addition to operations associated with federal housing programs, establish redevelopment areas and conservation areas that address existing or incipient blighting conditions. However, recent changes in the eminent domain statutes may limit the ability of authorities to undertake comprehensive redevelopment. Authorities will no longer be able to acquire individual non-blighted properties within a redevelopment area through condemnation. Spot blight authority, which has been simplified by eliminating the participation of planning commissions, remains available to address individual properties.	§§ 36-1 — 36-55	Localities enabled to create authorities				

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Derelict Structures							
Authority to remove derelict buildings; incentives for owners	Localities may adopt real estate tax abatement programs offering incentives to owners that demolish or renovate buildings declared “derelict”. These are defined as residential or non-residential buildings or structures that might endanger public health, safety or welfare <i>and</i> that for a continuous period of at least 6 months have been (i) vacant, (ii) boarded up in accordance with the building code, <i>and</i> (iii) not lawfully connected to electric service from a utility provider or lawfully connected to any required water or sewer service from a provider. Owners must receive notice and be given an opportunity to prepare a demolition or improvement plan. Cooperating owners may receive refunds from certain land use and building permit fees as well as 15-year real property tax rebates linked to the cost of demolition or renovation. Localities retain the alternative to use nuisance abatement against the property.	§15.2-907.1	Localities	✓			
Removal or Rehabilitation of Derelict Structures Fund	This currently unfunded state-administered program provided local government grants to acquire, remove, rehabilitate, repair, or demolish derelict structures.	§§ 36-152 – 36-156	Localities				
Building Code-Virginia Maintenance Code							
Application of building code requirements to existing structures	The Uniform Statewide Building Code (USBC) includes regulations for the maintenance of existing structures, which are enforced at the option of the local governments. This includes provisions for the operation of a rental inspection program and provisions for securing buildings determined to be “unsafe structures.”	§§ 36-103, 36-105.1:1; [13VAC5-63-450 et seq.]	Any local government electing to enforce the provisions of the Maintenance Code	✓		✓	

Key Definitions Related to Blight, Blighted Property, Blighted Areas, Derelict Structures, and Nuisances in the Code of Virginia

Terminology	Definition	Statutory Source
<i>Blighted Area</i>	For the purposes of the redevelopment statute, "Blighted area" means any area that endangers the public health, safety or welfare; or any area that is detrimental to the public health, safety, or welfare because commercial, industrial, or residential structures or improvements are dilapidated, or deteriorated or because such structures or improvements violate minimum health and safety standards. This definition includes, without limitation, areas previously designated as blighted areas pursuant to the provisions of Chapter 1 (§ 36-1 et seq.) of this title.	§ 36-3
<i>Blighted Property</i>	<i>NOTE: The Code of Virginia now limits the use of eminent domain in connection with the elimination of blight to property that is itself blighted, using the following definition of "blighted property":</i> "Blighted property" means any property that endangers the public health or safety in its condition at the time of the filing of the petition for condemnation and is (i) a public nuisance or (ii) an individual commercial, industrial, or residential structure or improvement that is beyond repair or unfit for human occupancy or use.	§ 1-219.1
<i>Blighted Property</i>	The redevelopment statute uses a broader definition of blighted property than does the more recent eminent domain statute. "Blighted property" means 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, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of "spot blight."	§ 36-3
<i>Blighted Structure</i>	This term is used in one section of the Code, which is limited in its application to the City of Richmond. A "blighted structure" means a structure as defined in § 36-49 [amended in 2006 to eliminate the reference, see § 36-3 instead].	§ 15.2-958.1
<i>Derelict Building</i>	Residential or non-residential buildings or structures that might endanger public health, safety or welfare <i>and</i> that for a continuous period of at least 6 months have been (i) vacant, (ii) boarded up in accordance with the building code, <i>and</i> (iii) not lawfully connected to electric service from a utility provider or lawfully connected to any required water or sewer service from a provider.	§ 15.2-907.1; see also § 36-3
<i>Derelict Structure</i>	"Derelict structures" means residential, commercial or industrial structures which are no longer being used for a place of habitation, business or industry and which are in such poor condition as to cause a blight upon the neighborhood in which any such structure is located.	§ 36-152

Terminology	Definition	Statutory Source
<i>Drug Blight</i>	"Drug blight" means a condition existing on real property which tends to endanger the public health or safety of residents of a locality and is caused by the regular presence on the property of persons under the influence of controlled substances or the regular use of the property for the purpose of illegally possessing, manufacturing or distributing controlled substances.	§ 15.2-907
<i>Nuisance</i>	The term "nuisance" includes, but is not limited to, dangerous or unhealthy substances which have escaped, spilled, been released or which have been allowed to accumulate in or on any place and all unsafe, dangerous, or unsanitary public or private buildings, walls, or structures which constitute a menace to the health and safety of the occupants thereof or the public.	§ 15.2-900
<i>Spot Blight</i>	"Spot blight" means a structure or improvement that is a blighted property as defined in this section.	§ 36-3