

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 3025**

BY DELEGATES LANE, WHITE, ROWE, ROBINSON, BYRD,

PUSHKIN, WARD AND WESTFALL

[Introduced March 14, 2017; Referred

to the Committee on Political Subdivisions then the

Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §7-1-3tt, relating to granting county commissions with the plenary power and  
3 authority to establish by ordinance a vacant building registration program; setting forth  
4 procedures for administration and enforcement.

*Be it enacted by the Legislature of West Virginia:*

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
2 section, designated §7-1-3tt, to read as follows:

### **ARTICLE 1. COUNTY COMMISSIONS GENERALLY.**

#### **§7-1-3tt. Registration of vacant buildings; registration fees; procedures for administration and enforcement.**

1 (a) Every county commission shall have plenary power and authority to establish by  
2 ordinance a vacant building registration program. For purposes of this section, the term “vacant  
3 building” means a building or other structure that is unoccupied, or unsecured and occupied by  
4 one or more unauthorized persons for an amount of time as determined by the ordinance:  
5 Provided, That a new building under construction or a building that by definition is exempted by  
6 ordinance of the county, is not deemed a vacant building: Provided, however, That the county  
7 commission, shall on a case by case basis, upon request by the property owner, exempt a vacant  
8 building from registration upon a finding for good cause shown that the person will be unable to  
9 occupy the building for a determinat period of time.

10 (b) An owner of real property subject to registration may be charged a fee or fees as  
11 provided by ordinance. The ordinance shall provide administrative procedures for the  
12 administration and enforcement of registration and payment and collection of registration fees.

13 (c) The ordinance may require that when the owner of the vacant building resides outside  
14 of the state that the owner provide the name and address of a person who resides within the state  
15 who is authorized to accept service of process and notices of fees due under this section on behalf

16 of the owner and who is designated as a responsible, local party or agent for the purposes of  
17 notification in the event of an emergency affecting the public health, safety or welfare.

18 (d) The ordinance may authorize the county commission to institute a civil action against  
19 the property owner and/or file a lien on real property for unpaid and delinquent vacant building  
20 registration fees. Before any lien is filed, the county commission shall give notice to the property  
21 owner or owner's agent, by certified mail, return receipt requested, that the county commission  
22 will file the lien unless the delinquent fees are paid by a date stated in the notice, which must be  
23 no less than thirty days from the date the notice is received by the owner or the owner's agent,  
24 which shall be the date of delivery shown on the signed certified mail return receipt card. The  
25 ordinance may provide for alternative means of service when service cannot be obtained by  
26 certified mail.

27 (e) The ordinance shall permit a property owner to challenge any determination made  
28 pursuant to the ordinance. The administrative procedures adopted pursuant to the ordinance shall  
29 include the right to appeal to the circuit court of the county in which the property is located.

30 (f) The county commission shall deposit the fee into a separate account, which shall be  
31 used to:

32 (1) Improve public safety efforts, especially for police and fire personnel, who most often  
33 contend with the dangerous situations manifested in vacant properties;

34 (2) Monitor and administer this section; and

35 (3) Repair, close or demolish a vacant structure as authorized by section three-ff of this  
36 article.

NOTE: The purpose of this bill is to grant county commissions the plenary power and authority to establish by ordinance vacant building registration programs; setting forth procedures for administration and enforcement of those programs.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.