

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 272

By Senators Swope and Woelfel

[Introduced January 18, 2023; referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §22-15A-30 of the Code of West Virginia, 1931, as amended,
2 relating to authorizing use of the Reclamation of Abandoned and Dilapidated Properties
3 Program Fund for demolition of abandoned or dilapidated structures damaged by certain
4 flooding events in the state in an amount not to exceed any moneys obtained for that
5 purpose.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 15A. THE A. JAMES MANCHIN REHABILITATION ENVIRONMENTAL
ACTION PLAN.**

§22-15A-30. Reclamation of Abandoned and Dilapidated Properties Program.

1 (a) To assist county commissions, municipalities, urban renewal authorities created
2 pursuant to §16-18-1 *et seq.* of this code, and land reuse agencies and municipal land banks
3 created pursuant to §31-18E-1 *et seq.* of this code, in their efforts to remediate abandoned,
4 blighted, and dilapidated structures or properties as provided in this code, the Department of
5 Environmental Protection may develop a program called the Reclamation of Abandoned and
6 Dilapidated Properties Program. Using the fund established in subsection (b) of this section, the
7 Department of Environmental Protection may work with county commissions, municipalities,
8 urban renewal authorities, land reuse agencies, and municipal land banks to implement
9 redevelopment plans which will, at a minimum, establish prioritized inventories of structures
10 eligible to participate in the program, offer reuse options for sites, and recommend actions county
11 commissions or municipalities may take to remediate abandoned and dilapidated structures in
12 their communities.

13 (b) There is created in the State Treasury a special revenue fund known as the
14 Reclamation of Abandoned and Dilapidated Properties Program Fund. The fund shall be
15 comprised of any money granted by charitable foundations, allocated by the Legislature, allocated
16 from federal agencies, and earned from the investment of money held in the fund, and all other

17 money designated for deposit to the fund from any source, public or private. The fund shall operate
18 as a special revenue fund and all deposits and payments into the fund do not expire to the General
19 Revenue Fund but shall remain in the account and be available for expenditure in succeeding
20 fiscal years.

21 (c) The fund, to the extent that money is available, may be used solely to assist county
22 commissions, municipalities, urban renewal authorities, land reuse agencies, and municipal land
23 banks to remediate abandoned and dilapidated structures and properties by demolishing,
24 deconstructing, or redeveloping them together with predevelopment expenses related thereto and
25 other activities as authorized by a charitable grant or legislative appropriation. The fund may be
26 used to demolish or deconstruct structures and properties abandoned, damaged, or dilapidated as
27 a result of the June 2016 flooding event, and any subsequent flooding event, in the state that have
28 been determined to be ineligible for other federal funding, in an amount not to exceed legislative
29 appropriations, charitable grants, or other funding obtained for that purpose. The fund may also be
30 used to defray costs incurred by the Department of Environmental Protection in administering the
31 provisions of this section. However, no more than five percent of money transferred from the Solid
32 Waste Facility Closure Cost Assistance Fund may be used for administrative purposes.

33 (d) The Department of Environmental Protection, in consultation with the State Fire
34 Marshal, Insurance Commissioner, the Auditor, the Secretary of Revenue, and the Legislative
35 Auditor, shall conduct a review of the needs of county commissions, municipalities, urban renewal
36 authorities, land reuse agencies, and municipal land banks. On or before December 31, 2023, the
37 Department of Environmental Protection shall submit to the Joint Committee on Government and
38 Finance a comprehensive report of that review, along with recommendations that are
39 substantiated by the findings of the review that may be taken to meet the needs of the state in
40 demolishing and redeveloping abandoned and dilapidated structures and properties.

41 (e) Statewide contracts. — The Department of Environmental Protection may cooperate
42 with the Purchasing Division of the Department of Administration to establish one or more

43 statewide contracts for services to be utilized by county commissions, municipalities, urban
44 renewal authorities, land reuse agencies, and municipal land banks to implement the purposes of
45 this section.

46 (f) The Department of Environmental Protection may propose rules for legislative approval
47 in accordance with the provisions of §29A-3-1 *et seq.* of this code, to include, but not be limited to,
48 governing the disbursement of money from the fund, establishing the Reclamation of Abandoned
49 and Dilapidated Properties Program, directing the distribution of money from the fund, entering
50 contracts statewide contracts, and establishing criteria for eligibility to receive money from the
51 fund.

52 (g) Nothing in this section shall be construed to limit, restrain, or otherwise discourage this
53 state and its political subdivisions from disposing of abandoned and dilapidated structures in any
54 other manner provided by the laws of this state.

NOTE: The purpose of this bill is to authorize the Reclamation of Abandoned and Dilapidated Properties Program Fund to be used to demolish flood-damaged structures that do not qualify for federal funding in an amount not to exceed any legislative appropriations, grants, or other funding obtained for that purpose.

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