

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5321

By Delegates Howell, W. Clark, Moore, and Dittman

[Introduced January 29, 2024; Referred to the
Committee on Government Organization then
Finance]

1 A BILL to amend and re-enact §22-15A-30 of the Code of West Virginia, 1931, as amended; all
 2 relating to requiring local governments to provide matching funds for grants from the
 3 Reclamation of Abandoned and Dilapidated Properties Program unless demonstrated to
 4 be fiscally unable; and requiring that fines assessed by local governments related to
 5 abandoned and dilapidated property be committed to the matching of Reclamation of
 6 Abandoned and Dilapidated Properties Program grants or to the demolition of condemned
 7 properties.

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 also
26 be used to defray costs incurred by the Department of Environmental Protection in administering
27 the provisions of this section. However, no more than five percent of money transferred from the
28 Solid Waste Facility Closure Cost Assistance Fund may be used for administrative purposes.

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

37 (e) Statewide contracts. — The Department of Environmental Protection may cooperate
38 with the Purchasing Division of the Department of Administration to establish one or more
39 statewide contracts for services to be utilized by county commissions, municipalities, urban
40 renewal authorities, land reuse agencies, and municipal land banks to implement the purposes of
41 this section.

42 (f) County commissions, municipalities, urban renewal authorities created pursuant to §16-
43 18-1 et seq. of this code, and land reuse agencies and municipal land banks created pursuant to
44 §31-18E-1 et seq. of this code who take part in the Reclamation of Abandoned and Dilapidated
45 Properties Program must provide matching funds in the amount of 20 percent of the total amount
46 of a grant awarded to the entity by the Department, unless the prospective grantee can
47 demonstrate to the Department, using data provided by the West Virginia State Auditor's Office
48 pursuant to the State Auditor's rulemaking authority, that it is fiscally unable to do so.

49 (g) Beginning on July 1, 2024, county commissions, municipalities, urban renewal
50 authorities created pursuant to §16-18-1 et seq. of this code, and land reuse agencies and
51 municipal land banks created pursuant to §31-18E-1 et seq. of this code who take part in the
52 Reclamation of Abandoned and Dilapidated Properties Program shall demonstrate that all fines
53 assessed or other payments collected by the grantee that relate to code, ordinance, or any other
54 law related to the maintenance or state of repair of private property within in the grantee's
55 jurisdiction be placed into a separate account to be used solely for the purpose of meeting match
56 requirements to obtain grants from the Reclamation of Abandoned and Dilapidated Properties
57 Program or to otherwise complete demolition work to remove condemned structures.

58 ~~(f)~~(h) The Department of Environmental Protection may propose rules for legislative
59 approval in accordance with the provisions of §29A-3-1 et seq. of this code, to include, but not be
60 limited to, governing the disbursement of money from the fund, establishing the Reclamation of
61 Abandoned and Dilapidated Properties Program, directing the distribution of money from the fund,
62 entering contracts statewide contracts, and establishing criteria for eligibility to receive money
63 from the fund.

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

NOTE: The purpose of this bill is to require local governments to provide matching funds for grants from the Reclamation of Abandoned and Dilapidated Properties Program unless demonstrated to be fiscally unable; and to require that fines assessed by local governments related to abandoned and dilapidated property be committed to the matching of Reclamation of Abandoned and Dilapidated Properties Program grants or to the demolition of condemned properties.

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