

West Virginia Department of Environmental Protection Reclamation of Abandoned and Dilapidated Properties Program

Introduction

In 2021, the West Virginia Senate enacted Senate Bill 368, establishing the Reclamation of Abandoned and Dilapidated Properties Program (“DLAP”) within the Department of Environmental Protection (DEP), albeit without initial funding. To gauge the extent of the issue, the DEP sent an interactive survey to more than 180 incorporated towns and all 55 counties in West Virginia, asking about their existing resources and strategies for managing abandoned structures. The survey, which received responses from 81 of the 235 towns and counties, aimed to identify communities with the necessary infrastructure, such as existing dilapidated structures programs, building codes, and lists of targeted structures for demolition, to effectively address the issue.

Following the survey, Governor Justice proposed reallocating \$10 million from uncommitted COVID-19 relief funds to support the initiative, prompting a swift transition from planning to action. The DEP selected 21 communities for a pilot phase for the program, based on their readiness and existing frameworks to tackle dilapidated structures. These communities were later joined by an additional five, bringing the total funding to nearly \$10 million for the demolition of 780 identified structures. This pilot phase not only highlighted the challenges faced by local governments in dealing with abandoned properties but also showcased the potential for impactful intervention through coordinated efforts.

This report and corresponding data outlines the DLAP Pilot Phase’s journey from conception to implementation, underscoring the collaborative efforts between the DEP and local governments. Despite the challenges, the pilot phase set a precedent for addressing the pervasive issue of abandoned structures, paving the way for the next phases of the program. With a commitment to continue and hopefully expand these efforts, the DEP is poised to coordinate with other local, state, and federal entities and stakeholders, demonstrating the importance of strategic partnerships and data-driven approaches in revitalizing communities across West Virginia.

I. DLAP Pilot Phase

In the 2021 regular legislative session, the WV Senate passed Senate Bill 368 creating the Reclamation of Abandoned and Dilapidated Properties Program (“DLAP”) within the West Virginia Department of Environmental Protection (DEP). Despite no dedicated funding for the program, DEP staff began its due diligence in the summer of 2021 to determine how the issue of abandoned and dilapidated structures was being addressed by local and county governments and by community, social, and other non-profit entities.

In the fall of 2021, the agency sent an interactive questionnaire and survey to all 55 counties and every incorporated municipality in West Virginia. It asked recipients to list what resources they had in place to deal with abandoned and dilapidated structures, including any sort of existing program, local building codes, ordinances, Code Enforcement Officers, and lists of targeted structures. The survey generated responses from 81 towns and counties.

(APPENDIX A: Pilot Phase Survey Summary)

Armed with the data from that survey, Governor Justice proposed in early 2022 that the state legislature transfer \$10 million for this new effort from uncommitted federal funds under the Coronavirus State and Local Fiscal Recovery program. Due to federal deadlines associated with the Covid funding, the DEP quickly shifted its efforts from research to implementation so as to meet these requirements.

Through its data-driven approach, the DEP identified 21 municipalities and counties for participation in the program’s pilot phase. Selection was initially limited to those communities who had existing programs for dealing with dilapidated structures, had relevant ordinances and building codes in place, and had already identified structures requiring demolition.

In late August 2022, the DEP notified the 21 counties and towns of their selection and provided training on the detailed reporting process mandated by ARPA guidelines. Final approvals and grant reimbursement amounts were provided to the awardees and in late October, Governor Justice, Senator Chandler Swope, and other dignitaries were on hand to witness the program’s initial demolition of a house in Matoaka in Mercer County.

The grants allowed participants 12 months to complete demolition work, with the option of a one-time, six-month extension. An additional five communities were approved for the program in January 2023, bringing the total funding commitment for the pilot phase to \$9,998,500 for 26 towns and communities to demolish 780 targeted structures. (***APPENDIX B: Pilot Phase Grant Recipients***)

The successful launch of the DLAP program in a relatively short time frame led to the West Virginia Legislature passing Senate Bill 552 during its regular 2023 session, providing an additional \$20 million of unspent ARPA funds for the program.

II. Phase II Begins

While still administering the program's pilot phase, DEP staff sent out a new and expanded questionnaire in August 2023 in order to gauge interest and collect data in preparation for a second phase. Again, the survey was sent to all incorporated towns and 55 counties. DEP staff also made dozens of follow-up phone calls to nonrespondents in an effort to obtain the maximum level of participation.

As a result of this effort, data was assembled from 166 respondents. A detailed analysis of that information, coupled with the experience gleaned through the pilot phase, enabled the DLAP program to identify 85 counties and towns for participation in the program's next phase. Again, each was chosen due to it having the necessary resources to immediately address the dilapidated structure issues in their respective communities. (***APPENDIX C: Phase II Survey Summary***)

The amount of funding commitment made by the DLAP program to those 85 communities was based on their existing resources, their list of targeted structures, and their previous track record. The final approved grant reflected how many structures the DLAP program felt each community can be expected to demolish over the 12–18-month grant timeline.

These 85 communities received formal notice of their selection and preliminary grant application packages in November 2023. Unfortunately, and somewhat surprisingly, 16 of those communities either failed to respond to their initial notification of being selected or opted out of the program for the time being.

The remaining 68 participants selected for Phase II were approved for a combined \$15,662,250 in reimbursement for the demolition of the 1,283 structures that they had targeted in their communities. Final approval notices were distributed in January and February 2024 and “letters to proceed” with demolitions are being distributed as the participants finalize all of their preliminary documentation (approval from the State Historic Preservation Office, asbestos testing/abatement completion, selection of demolition contractors via formal bidding process, etc.). Each community will have 12-18 months to use their allotment of committed funds.

III. Program Challenges

Because the only funding currently available to the State to address dilapidated structures on a broad scale is grant-based and of limited duration, the DEP has not been able to establish a formal Dilapidated Structures Program, nor has it hired or appointed full-time staff to the program. Despite these obstacles, DEP staff working on the DLAP effort have succeeded in soliciting information from towns and counties throughout the state, developed an identification and prioritization process based almost exclusively on information provided by communities, and has administered the DLAP funding in a timely manner and in accordance with the applicable federal guidelines.

As a result, the pilot phase for the original \$10 million is scheduled for successful completion by September, 2024. The second phase for an additional \$20 million has been launched and is scheduled for completion by the end of 2025. When both phases are completed, more than 80 communities and counties will have directly benefited from the use of these funds and more than 2,063 abandoned and dilapidated properties will have been demolished, clearing the way for new use by the local communities in which they are located.

(APPENDIX D: Pilot Phase and Phase II Grant Participants, combined)

In spite of that accomplishment, DLAP's due diligence has confirmed that much remains to be done in West Virginia to more completely address abandoned and dilapidated structures and their related issues that are impacting communities:

- Large-scale commercial buildings
- Hundreds of former school buildings, community centers, and unused buildings on college campuses
- Industrial buildings and properties that are candidates for treatment through brownfields restoration programs
- Abandoned properties with remaining structural integrity and/or historic value

The state-wide questionnaire conducted as part of Phase II of the DLAP program found that the 166 respondents had already identified 8,017 dilapidated and abandoned residential and commercial structures in their communities. The combined cost to demolish those structures, as estimated by the communities, was \$147,474,668.

So while DLAP's \$30 million has made an important impact on dealing with this challenge, much remains to be done.

IV. Recommendations

In the course of administering the program, the DEP has identified key areas for improvement and efficiency in addressing the issue of abandoned structures. Findings from the program's initial phases underscore the critical need for municipalities and counties to adopt a comprehensive set of tools designed to facilitate the management and demolition of dilapidated properties effectively.

To streamline the demolition process and ensure proper use of allocated funds, the DEP recommends that local governments implement the following measures:

Adopt the WV State Building Code and/or Additional Ordinances to Regulate Unsafe Properties: Counties and municipalities should adopt robust building Codes that clearly define the standards for maintaining property conditions. These codes will serve as a legal basis for taking action against neglected and unsafe properties.

Appointment of Code Enforcement Officers: Dedicated code enforcement officers are essential for the effective implementation of building codes. These officers will be responsible for inspecting properties, issuing notices for violations, and ensuring compliance with all applicable local ordinances.

Establishment of Rights of Entry: Municipalities and counties need to establish legal rights of entry for properties identified as abandoned or dilapidated. This will allow local governments or authorized agents to enter properties for inspection, assessment, and demolition, thereby expediting the process.

Dilapidated Property Inventory: Local governments should maintain up-to-date lists of residential and commercial properties identified for demolition. These lists will help prioritize actions and allocate resources more efficiently.

By implementing these tools, municipalities and counties can enhance their capacity to address the challenge of dilapidated structures in a more organized and effective manner. Moreover, these measures will help curtail wasteful spending by ensuring that resources are directed toward properties that have been systematically identified and assessed. The DEP encourages all local governments participating in DLAP to adopt these recommendations to improve outcomes and maximize the impact of the program.

V. Conclusion

The task of demolishing abandoned and dilapidated structures is multifaceted, requiring a coordinated approach involving more than the capabilities and jurisdiction of the DEP alone. The complexities associated with this issue – from legal and financial challenges to community planning and redevelopment – underscore the necessity for a collaborative effort involving various stakeholders.

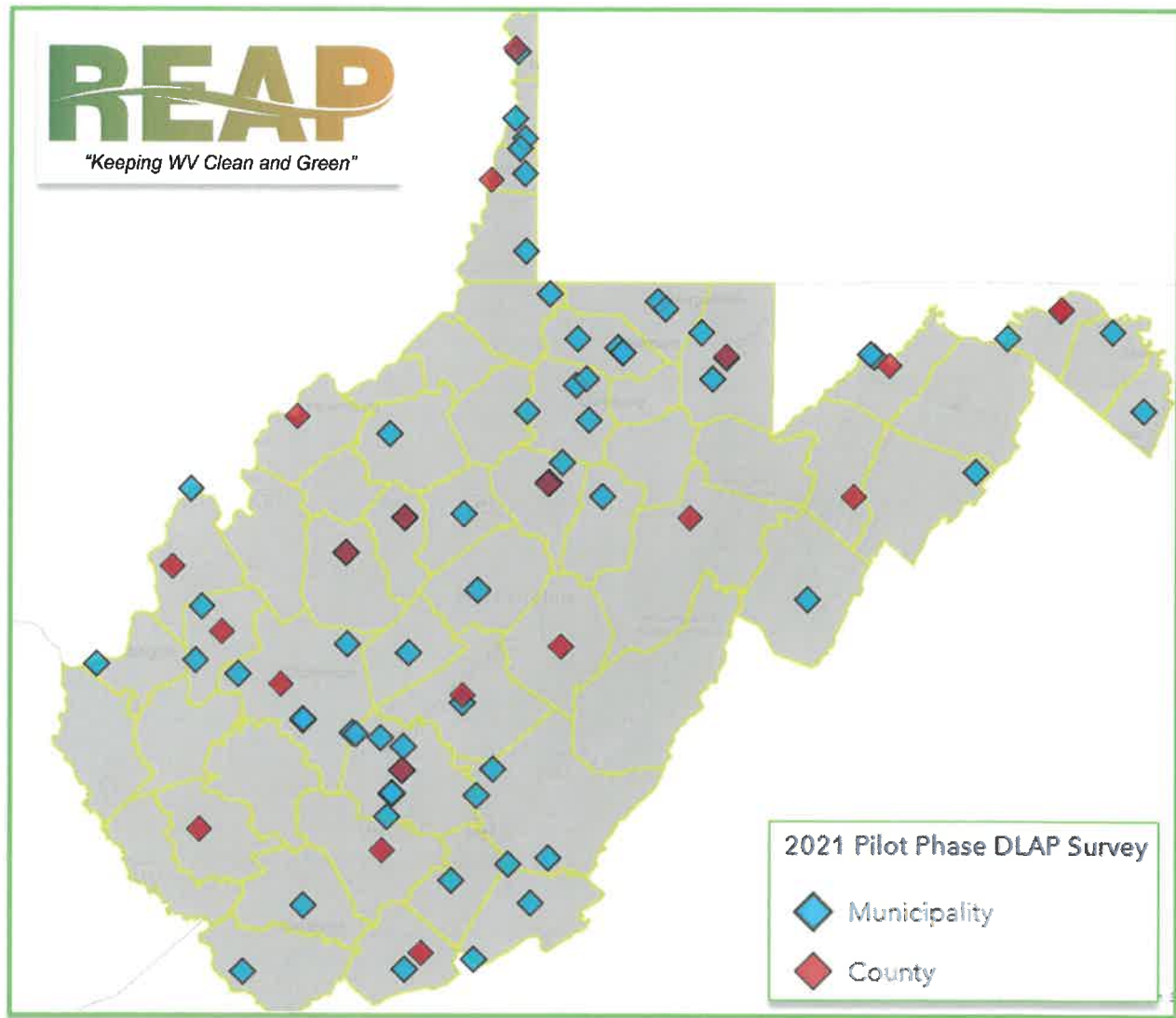
The DEP recognizes that the successful reclamation of abandoned properties is a collective responsibility that should involve state, local and federal entities, each bringing unique resources, expertise, and authority to the table. The involvement of these entities is crucial not only for addressing the immediate physical blight but also for ensuring the strategic redevelopment of these sites in a manner that benefits communities and aligns with broader economic and environmental goals. To this end, the DEP stands ready to partner with all relevant stakeholders, including other government agencies, non-profit organizations, community groups, and private sector entities. By working together, we can leverage our collective strengths to tackle the challenges associated with abandoned and dilapidated structures more effectively and efficiently.

The DEP is committed to continuing its efforts in this area, serving as a facilitator and advocate for the collaborative action needed to address this pressing issue. We invite and encourage all potential partners to join us in this endeavor, bringing their insights, resources, and commitment to the table. Together, we can make significant strides in reclaiming and revitalizing our communities.

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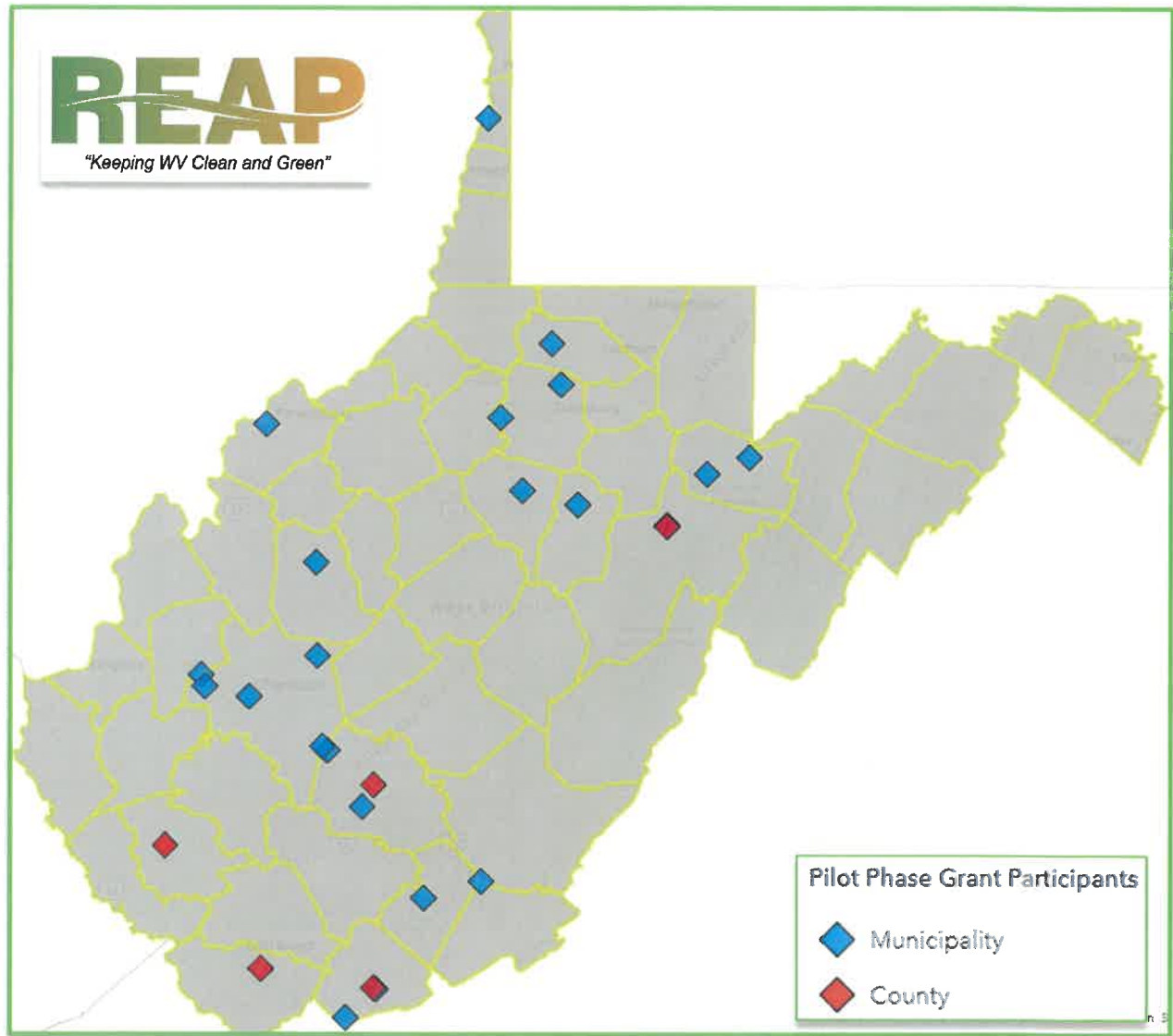
WVDEP REAP Dilapidated Properties Program Pilot Phase DLAP Survey (2021)



2021 Survey Results:

- 81 Respondents
- 9 Counties and 19 Municipalities
- 28 said they have a Demolition Program up and running
- 35 said they have code enforcement

WVDEP REAP Dilapidated Properties Program Pilot Phase Grant Participants

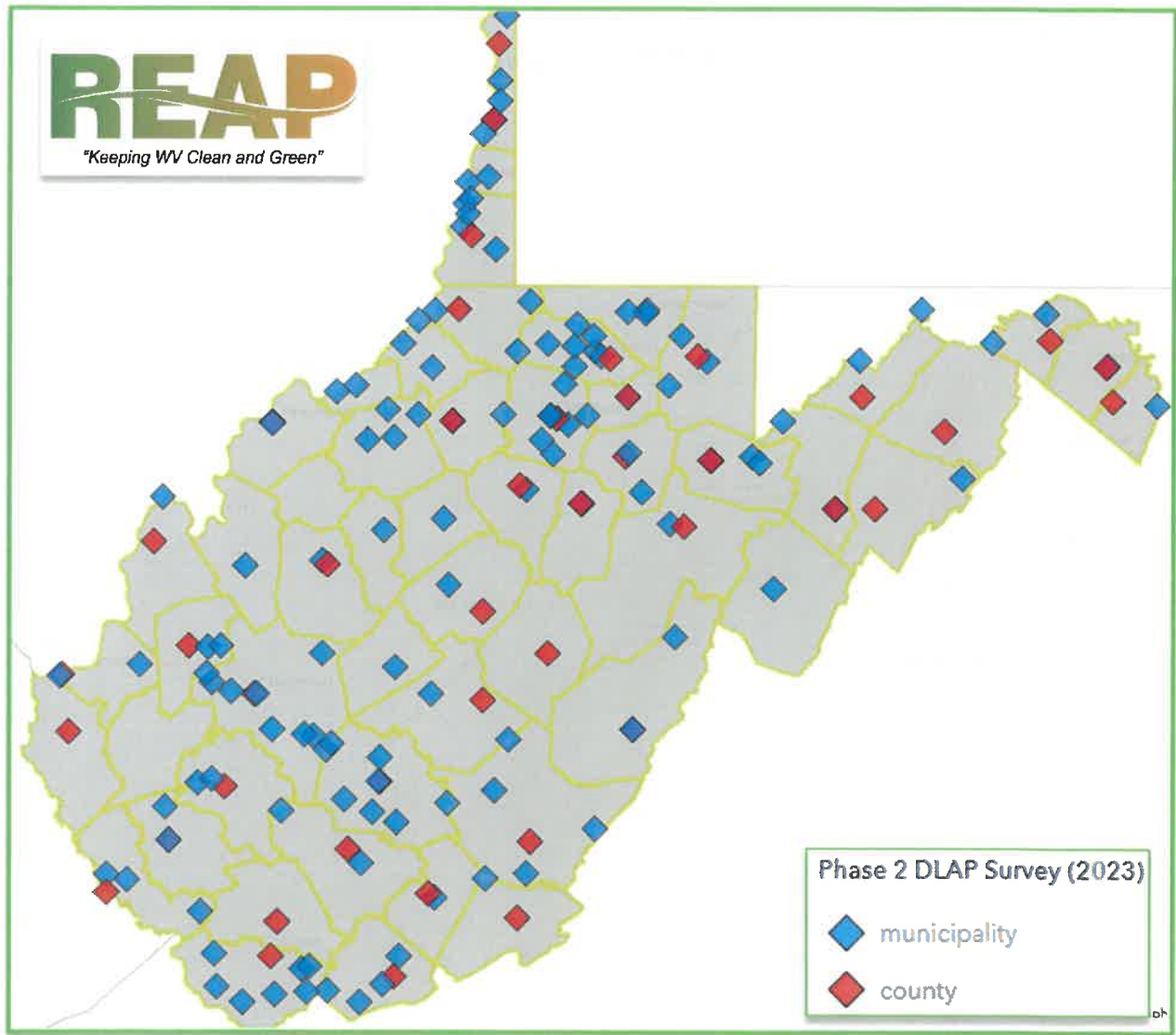


Follow up Questionnaire Results:

- 26 Awardees were identified after completing an enhanced follow up questionnaire
- 5 Counties and 21 Municipalities
- According to data provided by the applicants:
 - 2,822 dilapidated residential properties were identified
 - 252 dilapidated commercial properties were identified
 - Total estimated demolition cost = \$32.3 Million



WVDEP REAP Dilapidated Properties Program Phase 2 DLAP Survey (2023)



2023 Enhanced DLAP Survey Results:

- 166 Respondents
- 43 Counties and 123 Municipalities
- According to respondents:
 - 7,344 dilapidated residential properties have been identified
 - 673 dilapidated commercial properties have been identified
 - \$147,474,668 Total Combined Estimate



WVDEP REAP Dilapidated Properties Program Pilot Phase and Phase 2 Grant Participants

