



Prevent Blight: Strategies for Municipalities

1. Adopt legal framework (codes, ordinances) to hold properties to clear standards.

Enforcing Building and Property Maintenance codes are worth the investment. Consider the multiple times that representatives of the police, fire, utility, code departments and city officials are called to vacant and dilapidated properties. Each visit is a cost to the taxpayer. This is in addition to the decreased property values and the possible tax revenues lost to communities with problem properties.

- a. Enact International Property Maintenance Code (IPMC). Alternatively, some municipalities might want to adopt individual ordinances based on parts of the code, such as: ordinances against the accumulation of trash, high weeds and derelict vehicles; codes that enforce minimum health and safety requirements; and stipulating length of time to declare a building vacant. The IPMC is updated approximately every 3 years. The 2012 IPMC can be found here: <https://law.resource.org/pub/us/code/ibr/icc.ipmc.2012.html>. The West Virginia Building codes can be found here –find one from the state rather than a contracting group [<http://www.cmdgroup.com/building-codes/west-virginia/>]. You may also check with a building inspector, housing developer or your local library. WV State Code refers to vacant and dilapidated buildings (8-12-16 and 8-12-16a):
<http://www.legis.state.wv.us/WVCODE/ChapterEntire.cfm?chap=08&art=12§ion=16#12#12> and
<http://www.legis.state.wv.us/WVCODE/ChapterEntire.cfm?chap=08&art=12§ion=16A#12#12>
 - b. Adopt a ticketing ordinance for quality of life violations. Issue tickets and fines for code violations that are visible on the exteriors of private properties, such as high weeds and trash. The idea is to treat them like a parking tickets which need to be paid right away, rather than a citation that require a hearing, and the fine will increase with every subsequent offense.
 - c. Posting a large sign on the problem building about the citation will allow the public to see as they drive by, and may encourage the property owner to comply with regulations.
2. Require owners to register rental, vacant, and foreclosed properties to better monitor conditions. You will need a municipal ordinance establishing registration requirements, and it will be useful to create a searchable database to store the registered properties. For vacant properties, you will need an ordinance that establishes the timeframe for a building to be declared vacant (for example, immediately, or after 120 days, etc.)

Through registration, require owners to:

- a. Provide contact information for the owners or their local agents (so they can be easily contacted to report problems)
- b. Pay an annual fee to cover the costs of regular inspections and complaint response
- c. Learn their responsibilities under the code and regulations.

For foreclosures, require lenders to register properties in default and provide a contact person to oversee security and maintenance.

The West Virginia Code authorizes municipalities to register vacant properties (8-12-16c):

<http://www.legis.state.wv.us/wvcode/ChapterEntire.cfm?chap=08&art=12§ion=16C>

3. Require buyers to bring properties up to code within a specific time frame after sale and disqualify tax-sale bidders who have tax delinquencies or code violations.
 - a. Require presale inspections before sale of property to identify deficiencies. This means that all properties for sale must be inspected by the municipality for code violations before transfer to a new owner. For the sale to go through, violations must be corrected before the sale, or revealed to a prospective buyer who must agree to correct them within a set amount of time. You will need a municipal ordinance requiring presale inspections, a certificate that certifies the property for transfer without code violations, and a form through which buyers acknowledge commitment to fixing the violations within a set timeframe.
 - b. Require buyers to bring property up to code under a municipal code and ordinance compliance act. This would require purchasers of properties with known code violations to resolve them within 18 months (structures) or 12 months (lots) of purchase. An owner should be made personally liable for any violations by facing a fine (municipality to set the \$ amount based on the violations).
 - c. Disqualify tax sale bidders who have delinquency or code violations. This would ensure that buyers will maintain the properties after purchase. Require bidders to sign an affidavit that certifies they are eligible to bid in the tax sale under the municipality's rules.
4. Offer emergency loans and grants to low-income or elderly homeowners or small landlords who lack the money to keep their properties up to code or are at the risk of foreclosure. Some need to re-organize their debt or some may be between jobs and clearly will be able to make payments in the near future. These loan programs are usually capped at a certain amount. Some are forgiven if the property owner stays in the home, but in the case of foreclosure the loan funds are due on sale. Offering financial assistance will also allow owners to make needed repairs to keep their properties inhabitable and occupied.

Common types of financial assistance are home repair loans, deferred loans due upon sale or transfer, and grants. Local government might partner with a non-profit organization that has experience in administering loan funds. Furthermore, Habitat for Humanity and Rebuilding Together are organizations that offer rehabilitation and repair services as well.

5. Use fines, permit denials, or criminal charges to encourage repair and maintenance for severely blighted properties that threaten health and safety. For instance, some local governments triple the fees and taxes of vacant and dilapidated buildings whose owners live out of state. This is a strong incentive for the owners to keep their buildings occupied and in good shape.

“The goal is to change the owners’ stance from ‘I’m going to ignore you’ to ‘How much time do I have to get my property into compliance?’”

Here are some suggestions:

- a. Impose fines for each missing door or window.
- b. Deny permits to owners who have tax delinquency or code violations.
- c. Attach owners’ other assets to remediate blight.
- d. Impose criminal misdemeanor sanctions for multiple code violations.
- e. Extradite or increase fees and taxes for out-of-state property owners.

These suggestions are based on the Housing Alliance of Pennsylvania blight toolkit, and a future version will reference the LEAP toolkit published by the WVU College of Law Land Use and Sustainable Development Law Clinic (<http://landuse.law.wvu.edu/>).

Link to the e-book: <http://www.nxtbook.com/nxtbooks/swell/fromblighttobright/#/0> *Link to their library (clearinghouse) of blight / land bank resources:* <http://www.pablightlibrary.com/>