

Appendix G

Home Rule Pilot Program: Abandoned and Dilapidated Structures Summary

The majority of applicants to the Municipal Home Rule Pilot Program include at least one dilapidated building proposal. The purpose of this Appendix is to highlight those proposals and complement the summary of the Municipal Home Rule Pilot Program in the Special Considerations section of the From Liability to Viability Toolkit. This Appendix is accurate through July 2015. Readers should not act on the information contained on this document independently. For a complete list of applications and ordinances please visit www.wvcommerce.org/people/wvhomerule.

Highlights

- 4 communities were selected to participate in Phase I of the Municipal Home Rule Pilot Program in 2007¹
- 23 communities applied for Phase II of the Municipal Home Rule Pilot Program²
 - 16 communities were selected (70% accepted)
- 21 of the 23 Phase II applicants (or 91%) had at least one dilapidated property-related proposal
- 78% of all Phase II applications had two or more dilapidated property-related proposals

¹ WEST VIRGINIA LEGISLATIVE AUDITOR, PERFORMANCE EVALUATION AND RESEARCH DIVISION, SPECIAL REPORT: MUNICIPAL HOME RULE PILOT PROGRAM 5 (2012), available at http://www.legis.state.wv.us/joint/perd/perdrep/HomeRule_11_2012.pdf (Bridgeport, Charleston, Huntington, Wheeling).

² See *West Virginia Home Rule Pilot Program*, WEST VIRGINIA DEPARTMENT OF COMMERCE, <http://www.wvcommerce.org/people/wvhomerule/city-applications.aspx> (last visited Jul. 8, 2015). Most of the information found under Phase II comes from the applications each community submitted to the Municipal Home Rule Board. Once a community is selected to participate in the Municipal Home Rule Pilot Program, it must enact local ordinances before any action may be taken.

- During Phase I and II only two approved applications had no dilapidated property-related proposals.³

Phase I (Established in 2007)

Participating cities:⁴

1. Charleston
2. Huntington
3. Wheeling
4. Bridgeport

Charleston

- **Proposed an on-site citation program.**⁵
 - Sought to address code enforcement violations with a more expedient system to notify owners of violations than the lengthy process required by existing state law.⁶
 - As a result of the authority to issue “on-the-spot” citations for external sanitation violations and common nuisances, Charleston inspectors have reported faster compliance. The enabling authority gives code enforcement officers “the power to issue citations at the site of the violation and at the time the violation is recognized, similar to the manner in which traffic citations are issued.”⁷
- **Requested more enabling authority to issue liens to collect delinquent City fees.**⁸
 - Similar to Wheeling’s proposal.
 - As a result of the authority to issue liens for delinquent city fees, Charleston had, as of 2012, collected \$202,258 through lien letters and property sales.⁹

Huntington

- **Proposed a “Land Bank Fast Track Authority.”**¹⁰
 - Proposed language based on Michigan law.¹¹
 - The proposed ordinance provides for:
 - The creation of a land bank fast track authority;

³ See CITY OF SHINNSTON, MUNICIPAL HOME RULE PILOT PROGRAM PHASE II APPLICATION (2014), available at http://www.wvcommerce.org/App_Media/assets/doc/peopleandplaces/WV_Home_Rule/Shinnston.pdf.

⁴ SPECIAL REPORT, *supra* note 1, at 5.

⁵ CITY OF CHARLESTON, MUNICIPAL HOME RULE PILOT PROGRAM APPLICATION (2007), available at http://www.wvcommerce.org/App_Media/assets/doc/peopleandplaces/WV_Home_Rule/2007_ORIGINAL_HomeRuleapplicationCHS.pdf; SPECIAL REPORT, *supra* note 1, at 12–13.

⁶ CITY OF CHARLESTON APPLICATION, *supra* note 5, at 5–6.

⁷ SPECIAL REPORT, *supra* note 1, at 12–13.

⁸ CITY OF CHARLESTON APPLICATION, *supra* note 5, at 1, 3–4; SPECIAL REPORT, *supra* note 1, at 12–13.

⁹ SPECIAL REPORT, *supra* note 1, at 12.

¹⁰ CITY OF HUNTINGTON, WEST VIRGINIA MUNICIPAL HOME RULE PILOT PROGRAM APPLICATION 1–8 (2007), available at http://www.wvcommerce.org/App_Media/assets/doc/peopleandplaces/WV_Home_Rule/2007_ORIGINAL_HomeRuleapplicationHUNTINGTON.pdf.

¹¹ See *id.*; SPECIAL REPORT, *supra* note 1, at 24.

- The right of first refusal for land bank authority to purchase all delinquent tax liens and the right to recover costs as additional statutory costs at the time of redemption;
 - The right to board up, repair, or demolish properties while holding the tax lien and the right to recover costs as additional statutory costs at the time of redemption; and
 - 1% interest per month earned on the tax liens to be used to fund the Land Bank Fast Track Authority.¹²
- **Proposed an on-site citation program.**¹³
 - Modeled after the City of Charleston’s home rule building and zoning enforcement program.¹⁴
- **Proposed a lien on insurance proceeds for fire debris removal program.**¹⁵
 - In 2011, West Virginia passed §38-10E-1, as a result of the Huntington proposal to address fire damage to residential and commercial structures. This statute gave all municipalities and counties a statutory lien on a property whereby there was a claim under a fire insurance policy for a total loss to real property in the amount equal to the greater of a) \$5,000 or b) 10% of the policy limits for loss to the real property, including any coverage for debris removal.
 - The fire insurance proposal and the subsequent Fire Insurance Proceeds Bill have saved Huntington approximately \$165,000 in demolition costs, as of 2012.¹⁶

Wheeling

- **Proposed an on-site citation program.**¹⁷
 - Modeled after the City of Charleston’s home rule building and zoning enforcement program.¹⁸
- **Proposed a vacant property registry program.**¹⁹
 - As of 2013, Wheeling registered 155 properties and demolished 19 properties, generating \$15,800 in fees.²⁰
 - The “Wheeling Ordinance” has been codified by the West Virginia legislature, enabling every municipality to create a vacant property registration program.²¹
- **Requested more enabling authority to issue liens on property to collect delinquent City fees.**²²

¹² HUNTINGTON, W. VA., CODE art. 1760 (2015).

¹³ *Id.*

¹⁴ *See* CHARLESTON, W. VA., CODE § 3-26(c) (2015).

¹⁵ SPECIAL REPORT, *supra* note 1, at 15.

¹⁶ *Id.* at 13.

¹⁷ CITY OF WHEELING, PILOT HOME RULE PROGRAM APPLICATION PLAN OF THE CITY OF WHEELING 2–3 (2007), *available at* http://www.wvcommerce.org/App_Media/assets/doc/peopleandplaces/WV_Home_Rule/2007_ORIGINAL_homeruleappplanWHEELING.pdf.

¹⁸ *See* CHARLESTON, W. VA., CODE § 3-26(c).

¹⁹ CITY OF WHEELING APPLICATION, *supra* note 15, at 5–7.

²⁰ SPECIAL REPORT, *supra* note 1, at 14.

²¹ W. VA. CODE ANN. § 8-12-16c (West 2015).

²² CITY OF WHEELING APPLICATION, *supra* note 15, at 2–3; WHEELING, W. VA., CODE §§ 800.01(a)–(b) (2015).

- Aimed to address shortcomings of West Virginia Code section 8-13-13, in which certain municipal fees are not permitted to become liens against property.²³
- The stated purpose of the proposal was to provide an enforcement mechanism for the City to collect delinquent fees by placing a service lien on the property that would have first priority if the property were sold at a forced sale.²⁴
 - City has since issued several dozen liens for property maintenance such as mowing lawns and boarding up vacant buildings.²⁵
 - Liens for delinquent fees have first priority should the property be sold at a forced sale.²⁶
- Wheeling referenced a Wilmington, Delaware, ordinance.²⁷

Bridgeport

- No dilapidated building-specific proposals.²⁸

Phase II Applicants (*Approved 2014)²⁹

1. Bath
2. Bluefield*
3. Buckhannon*
4. Charles Town*
5. Dunbar*
6. South Charleston*
7. Clarksburg*
8. Fairmont*
9. Lewisburg
10. Martinsburg*
11. Milton*
12. Morgantown*
13. Moundsville
14. Nitro*
15. Oak Hill
16. Parkersburg*
17. Princeton
18. Ranson*
19. Shinnston*
20. Spencer

²³ *Id.* at 2.

²⁴ *Id.* at 3.

²⁵ SPECIAL REPORT, *supra* note 1, at 14.

²⁶ *Id.*

²⁷ CITY OF WHEELING APPLICATION, *supra* note 15, at 2–3.

²⁸ See CITY OF BRIDGEPORT, WEST VIRGINIA MUNICIPAL HOME RULE PILOT PROGRAM APPLICATION (2007), available at http://www.wvcommerce.org/App_Media/assets/doc/peopleandplaces/WV_Home_Rule/2007_ORIGINAL_homeruleapplicationBRIDGEPORT.pdf.

²⁹ See *West Virginia Home Rule Pilot Program*, *supra* note 2.

- 21. St. Albans
- 22. Vienna*
- 23. Weirton*

Bath

- No dilapidated building-specific proposals.³⁰

Bluefield*

- **Proposed an on-cite citation program.**³¹
 - Modeled after Charleston and Huntington’s ordinances.³²
 - Authority for City’s building and zoning administrators and law enforcement officers to issue citations for reoccurring exterior sanitation and common nuisance violations. Citations would be issued at the site of violation and at the time the violation is recognized, similar to the manner in which traffic citations are issued.
- **Proposed change to disposition of City’s real and personal property: auctions and nonprofit organizations.**³³
 - Authority to convey real and personal property with a value more than \$1,000 for fair market value without having to follow auction procedures outlined in section 8-12-16.
 - The City would be allowed to directly sell property to an individual or group.
 - Authority to lease or convey (without auction) for less than fair market value buildings and land to nonprofit organizations that are providing public services for which the City would otherwise be responsible.

Buckhannon*

- **Requested more enabling authority to issue liens for delinquent City fees.**³⁴
 - Property Tax Liens: “Property Remediation”
 - The city will be able to establish a property tax lien, the amount of which would be assessed against a subject’s real property for the amount reflecting costs incurred by the City for repairing, altering or improving, or for vacating and closing, removing or demolishing any structure.³⁵

³⁰ See TOWN OF BATH, MUNICIPALITY OF THE TOWN OF BATH MUNICIPAL HOME RULE PLAN (2014), available at http://www.wvcommerce.org/App_Media/assets/doc/peopleandplaces/WV_Home_Rule/Bath.pdf.

³¹ CITY OF BLUEFIELD, MUNICIPAL HOME RULE PILOT PROGRAM PHASE II CITY OF BATH APPLICATION 9–11 (2014), available at http://www.wvcommerce.org/App_Media/assets/doc/peopleandplaces/WV_Home_Rule/Bluefield.pdf.

³² See CHARLESTON, W. VA., CODE § 3-26(c) (2015).

³³ CITY OF BLUEFIELD APPLICATION, *supra* note 29, at 7–9.

³⁴ CITY OF BUCKHANNON, MUNICIPAL HOME RULE PILOT PROGRAM PHASE II APPLICATION 10–13 (2014), available at http://www.wvcommerce.org/App_Media/assets/doc/peopleandplaces/WV_Home_Rule/Buckhannon.pdf.

³⁵ *Id.* at 12.

- Property remediation costs would be directly assessed as part of the owner’s annual property tax due for payment with the next ensuing year’s property tax invoice.
- Equitable charges for services rendered could be imposed.
- City emphasized that property owners would still be accorded full due process of the law.
- Property remediation costs would create a property tax lien that would be superior to all other liens except the annual property tax.³⁶
- **Proposed an on-cite citation program.**³⁷
 - Modeled after Charleston and Huntington’s ordinances.³⁸
- **Proposed change to disposition of City’s real and personal property: online.**³⁹
 - City’s inability to sell or dispose of real and personal property using online methods has limited its revenue potential. The online sale or disposition of property would allow the city to realize full monetary potential using reputable online auction services that specialize in conducting governmental property auctions.

Charles Town*

- **Proposed improvements to code citations and public nuisance enforcement, including an on-site citation program.**⁴⁰
 - On-site citation program modeled after Charleston and Huntington’s ordinances.⁴¹
 - Would allow trained law enforcement officers to serve as code enforcement officials to address sanitation issues, garbage buildup, graffiti, un-maintained lawns, and broken sidewalks.
 - Law enforcement officers would still need the training and skills normally required for code enforcement personnel.
 - Joint code enforcement approach with the City of Ranson.
- **Proposed improvements to the process of addressing blighted properties via five specific powers: liens to collect delinquent City fees, foreclosure registration, shortened forfeiture period, more reasonable nuisance standard, and City liens of equal priority.**⁴²
 - Authority under section 8-12-16 to take action with City’s resources to clean up blighted properties and broken sidewalks or demolish vacant and uninhabitable properties and to place liens on the properties to recover taxpayer costs.⁴³

³⁶ *Id.*

³⁷ *Id.* at 13.

³⁸ See CHARLESTON, W. VA., CODE § 3-26(c) (2015).

³⁹ CITY OF BUCKHANNON APPLICATION, *supra* note 32, at 16–18.

⁴⁰ CITY OF CHARLES TOWN, POWERS FOR PROGRESS: WEST VIRGINIA MUNICIPAL HOME RULE PILOT PROGRAM PHASE II APPLICATION 14–16 (2014), available at

http://www.wvcommerce.org/App_Media/assets/doc/peopleandplaces/WV_Home_Rule/CharlesTown.pdf.

⁴¹ See CHARLESTON, W. VA., CODE § 3-26(c) (2015).

⁴² CITY OF CHARLES TOWN APPLICATION, *supra* note 38, at 17–24.

⁴³ *Id.* at 19–20.

- Authority under section 8-12-16a to require lenders or trustees that foreclose on houses to register properties with the local code department at the beginning of the foreclosure process, maintain foreclosed homes, and pay any outstanding fees and liens for corrective maintenance existing at the time of sale.⁴⁴
- Authority to shorten the lengthy time period that the City must wait to initiate civil action to take vacant and blighted property to forfeiture from 28 months to a more reasonable period of 10 months.⁴⁵
- A more reasonable standard for dealing with blighted properties than the current legal standard of “not fit for human habitation” or a “threat to public safety and welfare.”⁴⁶
- Authority under section 8-12-16a to consider fees placed on uninhabitable structures for city maintenance or other action enforceable liens with equal rank, priority, and dignity as other liens.⁴⁷

Dunbar*

- **Proposed enforcement of care and maintenance for property and structures, including liens to collect delinquent City fees.**
 - Authority to set general penalties for violations regarding the care and maintenance of property. City did not request authority to place a lien on the property for unpaid fines.
 - Authority, after proper notice, to go on property and make needed repairs to ensure property does not detract from the neighborhood and deteriorate further. These costs, unlike unpaid fines, would constitute a lien on the property without the necessity of obtaining a court order.
- **Proposed an on-site citation program.**⁴⁸
 - Modeled after Charleston and Huntington’s ordinances.⁴⁹

South Charleston*

- **Proposed expansion to ability to issue on-site citations.**⁵⁰
- **Proposed change of City to transfer property without public auction.**
 - Authority to sell real and personal property at fair market value to private purchasers without auction in such a manner that promotes economic development or provides a service for the public good.

Clarksburg*

⁴⁴ *Id.* at 20–21.

⁴⁵ *Id.* at 24.

⁴⁶ *Id.* at 18–19.

⁴⁷ *Id.* at 21–23.

⁴⁸ *Id.* at 6–7.

⁴⁹ See CHARLESTON, W. VA., CODE § 3-26(c) (2015).

⁵⁰ CITY OF SOUTH CHARLESTON, MUNICIPAL HOME RULE WRITTEN PLAN AND APPLICATION 7–8 (2014), available at http://www.wvcommerce.org/App_Media/assets/doc/peopleandplaces/WV_Home_Rule/SouthCharleston.pdf.

- **Proposed an on-site citation program.**⁵¹
 - Modeled after Charleston’s ordinances.
- **Proposed ability to collect demolition liens at county tax sale.**⁵²
 - City has been demolishing an average of 35 structures per year using funds from the general fund, City capital improvement levy funds, small cities block grant funds, Huntington/MVB bank loans, and the West Virginia Housing Development loan funds.
 - Authority to demolish structures that property owners fail to fix and charge costs against the properties as demolition liens.
 - Many of these properties end up at the county tax sale.⁵³
 - Methods for implementing proposal:
 - Payment of demolition lien before securing a certificate of sale.⁵⁴
 - Demolition liens would be collected at the tax sale auction in addition to delinquent property taxes. The sheriff would require payment of any demolition liens due at the time of the sale before the certificate of sale is issued.
 - Payment of demolition lien before securing the deed.⁵⁵
 - Would apply when property is sold to the state. Considers a right of redemption period of 18 months.
 - Requested a provision, modifying section 11A-3-52, which requires the satisfaction of City demolition liens before a purchaser can secure a deed from the Deputy Commissioner or in the event that a purchaser is unwilling to satisfy a demolition lien, the purchaser loses all of the benefits of the purchase.

Fairmont*

- **Proposed expansion of business and occupation tax credits.**⁵⁶
 - Authority to expand business and occupation tax credits to provide for credits that are unrelated to new or expanding business and are not otherwise constrained by current West Virginia Code provisions.
 - City would offer credits against business and occupation taxes for:
 - Re-occupancy of vacant or dilapidated structures.⁵⁷
 - Allowable credit would be measured as a percentage of the annual tax liability generated from the re-occupied structure.
 - Rehabilitation and preservation of contributing historic structures in the City’s downtown historic district.⁵⁸

⁵¹ CITY OF CLARKSBURG, MUNICIPAL HOME RULE PILOT APPLICATION 17 (2014), available at http://www.wvcommerce.org/App_Media/assets/doc/peopleandplaces/WV_Home_Rule/Clarksburg.pdf; see CHARLESTON, W. VA., CODE § 3-26(c).

⁵² CITY OF CLARKSBURG APPLICATION, *supra* note 49, at 8–12.

⁵³ *See id.* at 10.

⁵⁴ *Id.*

⁵⁵ *Id.* at 11–12.

⁵⁶ CITY OF FAIRMONT, MUNICIPAL HOME RULE PILOT PROGRAM PHASE II APPLICATION 7–10 (2014), available at http://www.wvcommerce.org/App_Media/assets/doc/peopleandplaces/WV_Home_Rule/Fairmont.pdf.

⁵⁷ *Id.* at 8.

⁵⁸ *Id.* at 9.

- Allowable credit would be measured by the cost of improvements.
- **Proposed imposition of a sales and use tax.**⁵⁹
 - Tax would be utilized in part to finance the City’s program to demolish blighted and dilapidated properties.⁶⁰
 - The imposition of the proposed 1% sales and use tax is anticipated to produce approximately \$909,000 per year.⁶¹
- **Proposed change to disposition of City’s real property: auctions.**⁶²
 - Seeks relief from notice and public auction requirement in section 8-12-18(b) for City owned real property with a value of up to \$15,000.00 (rather than the current \$1,000.00 upper limit).

Lewisburg

- **Proposed an on-site citation program.**⁶³
- **Proposed change to disposition of City’s property: online.**⁶⁴
 - Authority to sell surplus property on an online auction site in lieu of advertising using a Class II legal advertisement or holding a public auction.

Martinsburg*

- **Proposed an on-site citation program.**⁶⁵
 - For external sanitation violations and common nuisances.⁶⁶
 - Modeled after Charleston and Huntington’s ordinances.⁶⁷
- **Requested more enabling authority to issue liens for delinquent City fees .**⁶⁸
 - Authority, after due notice, to repair, alter, or demolish property; mow overgrown grass; and collect unlawful accumulations of garbage and rubbish.
 - Authority to without a court order, place a lien on the property for the amount expended by the City in taking such action. Current law stipulates that a lawsuit be filed in order to obtain such a lien.
- **Proposed change to disposition of City real and personal property: auctions and nonprofit organizations.**⁶⁹
 - Authority to sell real and personal property at fair market value to private purchasers without auction in such a manner that promotes economic development or provides a service for the public good.⁷⁰

⁵⁹ *Id.* at 21–24.

⁶⁰ *Id.* at 21.

⁶¹ *Id.* at 23.

⁶² *Id.* at 54–55.

⁶³ CITY OF LEWISBURG, MUNICIPAL HOME RULE PILOT PROGRAM APPLICATION 12–13 (2014), *available at* http://www.wvcommerce.org/App_Media/assets/doc/peopleandplaces/WV_Home_Rule/Lewisburg.pdf.

⁶⁴ *Id.* at 19.

⁶⁵ CITY OF MARTINSBURG, WV MUNICIPAL HOME RULE PILOT PROGRAM PHASE II APPLICATION OF THE CITY OF MARTINSBURG 6–7 (2014), *available at* http://www.wvcommerce.org/App_Media/assets/doc/peopleandplaces/WV_Home_Rule/Martinsburg.pdf.

⁶⁶ *Id.*

⁶⁷ *See* CHARLESTON, W. VA., CODE § 3-26(c) (2015).

⁶⁸ CITY OF MARTINSBURG, *supra* note 63, at 7.

⁶⁹ *Id.* at 9–10.

⁷⁰ *Id.* at 9.

- Also contemplates leasing property for less than fair market value to a private entity attempting to develop a business in the area or to a nonprofit that provides a service for the public good.⁷¹
- **Requested authority to purchase tax liens on properties subject to delinquent property taxes and right of redemption.**⁷²
 - Authority for City to purchase tax liens for property within the City of Martinsburg:
 - For properties on which the City has placed liens for municipal services or payment of corrective actions for code violations.
 - If an owner or any other party who has a right to redeem does not redeem a property, the Auditor of the State of West Virginia would convey the subject property to the City of Martinsburg upon payment of the amount required under section 11A-3-2.

Milton*

- **Proposed change to disposition of City property: negotiation.**⁷³
 - Authority to deviate from section 8-12-18 so that City's elected officials and administrators may negotiate with prospective developers to ensure that municipal property will not sit vacant and unutilized.
 - Authority to control and assure development through negotiation with interested parties to develop former municipal property.
 - Emphasis on real property disposition.

Morgantown*

- **Requested more enabling authority to issue liens for delinquent City fees.**⁷⁴
 - Authority to amend City's public nuisance ordinance specifying that the nuisance does not have to be a threat to public safety before the City has the right to enter property and remove it.
 - Stipulates that as written, section 8-12-16 arguably does not allow a municipality to address problems with property maintenance that detract from the neighborhood but do not yet constitute a threat to public safety.
 - Authority to place a lien on the property without first obtaining a circuit court order.

Moundsville

⁷¹ *Id.*

⁷² *Id.* at 10.

⁷³ CITY OF MILTON, HOME RULE PILOT PROGRAM PHASE II APPLICATION 5–6 (2014), available at http://www.wvcommerce.org/App_Media/assets/doc/peopleandplaces/WV_Home_Rule/Milton.pdf.

⁷⁴ CITY OF MORGANTOWN, MUNICIPAL HOME RULE PILOT PROGRAM APPLICATION 19–20 (2014), available at http://www.wvcommerce.org/App_Media/assets/doc/peopleandplaces/WV_Home_Rule/Morgantown.pdf.

- **Requested more enabling authority to issue liens for delinquent City fees.**⁷⁵
 - Authority to place a lien on the property without first obtaining a circuit court order.
 - Stipulates that as written, Section 8-12-16 arguably does not allow a municipality to address problems with property maintenance that detract from the neighborhood but do not yet constitute a threat to public safety.

Nitro*

- **Proposed projects to be accomplished with a 1% municipal sales tax.**⁷⁶
 - Expand demolition of vacant and dilapidated buildings.
 - City has already adopted a vacant buildings ordinance.
 - City would like ability to reach an agreement with a property owner whereby it forgives unpaid municipal fees and purchases the property, demolishes the structure, and sells the property to the highest bidder.
 - City needs additional revenues to implement.
- **Proposed change to disposition of City’s personal property: negotiation.**⁷⁷
 - Authority to deviate from section 8-12-18 so that City’s elected officials and administrators may negotiate with prospective developers to ensure that municipal property will not sit vacant and unutilized.
 - City focused on disposition of personal property as opposed to real property—no mention of real property in the proposal.

Oak Hill

- **Proposed ability to collect liens at county tax sales.**⁷⁸
 - City seeking to address City ordinances: article 1718, “Vacant Structure Code,” and article 1711, “Unsafe Structures.”
 - Payment of tax liens before securing a certificate of sale.
 - Demolition liens would be collected at the tax sale auction in addition to delinquent property taxes. The sheriff would require payment of any demolition liens due at the time of the sale before the certificate of sale is issued.
 - Payment of demolition lien before securing the deed.
 - When property is sold to the state. Considers a right of redemption period of 18 months.
 - Requested a provision, modifying section 11A-3-52, that requires the satisfaction of City demolition liens before a purchaser can secure a deed from the Deputy Commissioner or in the event that a purchaser is

⁷⁵ CITY OF MOUNDSVILLE, PILOT HOME RULE PROGRAM PHASE II APPLICATION PLAN 4–5 (2014), *available at* http://www.wvcommerce.org/App_Media/assets/doc/peopleandplaces/WV_Home_Rule/Moundsville.pdf.

⁷⁶ CITY OF NITRO, MUNICIPAL HOME RULE PLAN 21–22, 24 (2014), *available at* http://www.wvcommerce.org/App_Media/assets/doc/peopleandplaces/WV_Home_Rule/Nitro.pdf.

⁷⁷ *Id.* at 50–51.

⁷⁸ CITY OF OAK HILL, MUNICIPAL HOME RULE PILOT PROGRAM PHASE II APPLICATION 8–10 (2014), *available at* http://www.wvcommerce.org/App_Media/assets/doc/peopleandplaces/WV_Home_Rule/OakHill.pdf.

unwilling to satisfy a demolition lien, the purchaser loses all of the benefits of the purchase.

Parkersburg*

- **Requested right of redemption and ability to collect demolition liens.⁷⁹**
 - First right to purchase property
 - When preparing a list of properties for a county tax sale, City would have first opportunity to purchase property on which a demolition lien is owed.
 - Provided the property is not redeemed, the deed would be issued to the City and could then be transferred to the City's Urban Renewal Authority for revitalization or sale.
 - The Sheriff's Office would be required to contact the City's Urban Renewal Authority representative prior to placing the legal advertisement in the paper. The time necessary for the City to review the property would not be more than 14 days.
 - Payment of demolition liens before securing a certificate of sale.
 - Demolition liens would be collected at the tax sale auction in addition to the delinquent property taxes. The sheriff would require payment of any demolition liens due at the time of the sale before the certificate of sale is issued.
 - Payment of demolition lien before securing the deed.
 - When property is sold to the state. Considers a right of redemption period of 18 months.
 - Requested a provision, modifying section 11A-3-52, that requires the satisfaction of City demolition liens before a purchaser can secure a deed from the Deputy Commissioner or in the event that a purchaser is unwilling to satisfy a demolition lien, the purchaser loses all of the benefits of the purchase.

Princeton

- **Proposed change to disposition of City's real and personal property: auctions.⁸⁰**
 - Authority to sell real and personal property at fair market value to private purchasers without auction to promote economic development or provide a service for the public good.
 - Any proposed conveyance of city property would be published as a Class II legal advertisement.
- **Proposed change to disposition of City's property: nonprofit organizations.⁸¹**
 - Contemplates leasing or conveying property for less than fair market value and without an auction to a nonprofit providing a service for the public good if:

⁷⁹ CITY OF PARKERSBURG, HOME RULE PILOT PROGRAM APPLICATION 7-10 (2014), *available at* http://www.wvcommerce.org/App_Media/assets/doc/peopleandplaces/WV_Home_Rule/Parkersburg.pdf.

⁸⁰ CITY OF PRINCETON, HOME RULE PILOT PROGRAM APPLICATION 4-6 (2014), *available at* http://www.wvcommerce.org/App_Media/assets/doc/peopleandplaces/WV_Home_Rule/Princeton.pdf.

⁸¹ *Id.* at 6-8.

- The property can be better utilized by the nonprofit for the public good better than if the property stayed with the city. AND
- The nonprofit organization has a demonstrable need for the property to be able to perform the services benefiting the public.

Ranson*

- **Proposed improvements to code citations and public nuisance enforcement, including an on-site citation program.**⁸²
 - On-site citations modeled after Charleston and Huntington’s ordinances.⁸³
 - Would allow trained law enforcement officers to serve as code enforcement officials to address sanitation issues, garbage buildup, graffiti, un-maintained lawns, and broken sidewalks.
 - Law enforcement officers would still need the training and skills normally required for code enforcement personnel.
 - Joint code enforcement approach with City of Charles Town.
- **Proposed improvements to the process of addressing blighted properties: more reasonable nuisance standard, liens to collect delinquent City fees, foreclosure registration, and shortened forfeiture period.**⁸⁴
 - Authority under section 8-12-16 to modify blighted property to more flexible standards of “blighted” or “improperly maintained” from more stringent standards of “not fit for human habitation” or “threat to public safety and welfare.”⁸⁵
 - Authority under section 8-12-16 to take action to maintain, demolish, or otherwise improve blighted properties or broken sidewalks and recover the costs through lien enforcement, provided the property owner fails to address blighted conditions.⁸⁶
 - City looking for clear authority to conduct these actions on its own at property where the owner refuses to take action.
 - Authority under the property registration procedures of section 8-12-16a to allow the City to require lenders or trustees to register foreclosed properties at the beginning of the foreclosure process, retain a property maintenance company, maintain the property, and provide contact information for the maintenance company to the municipality at registration.⁸⁷
 - Authority under section 8-12-16a to shorten the lengthy time period that the City must wait to initiate civil action to take vacant and blighted property to forfeiture from 28 months to a more reasonable period of 10 months.⁸⁸
 - Authority to collect fees with lien authority when an owner of uninhabitable property fails to comply with orders under section 8-12-16a.⁸⁹

⁸² CITY OF RANSON, POWERS FOR PROGRESS: WEST VIRGINIA HOME RULE PILOT PROGRAM PHASE II APPLICATION 14–16 (2014), available at http://www.wvcommerce.org/App_Media/assets/doc/peopleandplaces/WV_Home_Rule/Ranson.pdf.

⁸³ See CHARLESTON, W. VA., CODE § 3-26(c) (2015).

⁸⁴ CITY OF RANSON APPLICATION, *supra* note 80, at 17–24.

⁸⁵ *Id.* at 18–19.

⁸⁶ *Id.* at 19–20.

⁸⁷ *Id.* at 20–21.

⁸⁸ *Id.* at 21–22.

⁸⁹ *Id.* at 22–23.

- Authority under section 8-12-16c to take vacant and uninhabitable structures in forfeiture after due process to the property owner.
- **Proposed change to disposition of City’s property: auctions.**⁹⁰
 - Authority to sell municipal property without public auction when deemed for public purpose, after public notice, and when sold for adequate value.

Shinnston*

- No dilapidated building specific proposals.⁹¹

Spencer

- **Proposed imposing a sales and use tax.**⁹²
 - Initiatives include the identification and removal of blight in abandoned buildings and homes and the renovation of historic structures.

St. Albans

- **Proposed change to disposition of City’s property: nonprofit organizations.**⁹³
 - Contemplates leasing or conveying property for less than fair market value and without an auction to a nonprofit that provides a service for the public good that the City would otherwise be required to provide, finance, or administer, so long as the City’s need for the property is less than the benefit to the City if the property is leased or conveyed.
- **Proposed change to disposition of City’s real and personal property: economic development.**⁹⁴
 - Authority to transfer or convey for fair market value as determined by the City Council any real or personal property owned by the city, provided that the primary purpose of such transfer or conveyance is to facilitate economic development within the City or to increase availability of necessary or convenient resources for the benefit of the residents of the City.
- **Requested more enabling authority to issue liens for delinquent City fees.**⁹⁵
 - Eliminate the necessity of the City to obtain a circuit court order to place a lien on real property for costs incurred by the City in eliminating a public nuisance.
 - Also proposed the following:
 - Due process public hearings before City Council for a public nuisance.

⁹⁰ *Id.* at 24.

⁹¹ See CITY OF SHINNSTON APPLICATION, *supra* note 3.

⁹² CITY OF SPENCER, HOME RULE APPLICATION PHASE II 3, 17 (2014), available at

http://www.wvcommerce.org/App_Media/assets/doc/peopleandplaces/WV_Home_Rule/Spencer.pdf.

⁹³ CITY OF ST. ALBANS, MUNICIPAL HOME RULE PILOT PROGRAM PHASE II APPLICATION 9–10 (2014), available at

http://www.wvcommerce.org/App_Media/assets/doc/peopleandplaces/WV_Home_Rule/StAlbans.pdf.

⁹⁴ *Id.* at 11.

⁹⁵ *Id.* at 13–14.

- Clarify that a public nuisance does not have to be a threat to public safety for the City to enter the property and take necessary steps to alleviate the public nuisance.

Vienna*

- **Requested ability to address dilapidated structures based on “eyesore” standard and issue liens for delinquent City fees.⁹⁶**
 - Authority to amend City’s public nuisance ordinance specifying that the nuisance does not have to be a threat to public safety before the City has the right to enter the property and take necessary steps to alleviate the public nuisance.
 - The cost of rehabilitation would constitute a lien against the property without the necessity of obtaining a court order.
- **Proposed an on-site citation program.⁹⁷**
- **Proposed change to disposition of City’s property: nonprofit organizations.⁹⁸**
 - Contemplates leasing or conveying property for less than fair market value and without an auction to a nonprofit that provides services to the public.

Weirton*

- **Proposed probationary employment for uncertified Building and Zoning Code officials.⁹⁹**
 - Provisional status is presently unavailable because the department always has some code enforcement officers. However, a shortage of officers resulting from the time it takes to train new officers is severely limiting, especially considering it typically takes 18 to 24 months to obtain all required certifications for the various work officers perform.
 - For example, it takes 12 months to obtain minimum certification for property maintenance and single-family home inspections.
 - Solution
 - A two-year provisional status for newly hired code enforcement officers while they obtain necessary certifications.
- **Proposed an on-cite citation program.¹⁰⁰**

⁹⁶ CITY OF VIENNA, HOME RULE PILOT APPLICATION 7 (2014), *available at* http://www.wvcommerce.org/App_Media/assets/doc/peopleandplaces/WV_Home_Rule/Vienna.pdf.

⁹⁷ *Id.* at 7–8.

⁹⁸ *Id.* at 8–9.

⁹⁹ CITY OF WEIRTON, MUNICIPAL HOME RULE APPLICATION 4–5 (2014), *available at* http://www.wvcommerce.org/App_Media/assets/doc/peopleandplaces/WV_Home_Rule/Weirton.pdf.

¹⁰⁰ *Id.* at 5–6.

Home Rule Applications with Proposals Related to Negelected Properties

	Community (*application approved)	On Site Citations	Disposition of Municipal Property	Property Tax Liens for Property Remediation	Lower Standard in order to deal with blighted properties	Payment of demo. lien before securing certificate of sale
Phase 1	Charleston*	X				X
	Wheeling*	X				X
	Huntington*	X				
	Bridgeport*					
Phase 2	Bath					
	Bluefield*	X	X			
	Buckhannon*	X	X	X		
	Charles Town*	X		X	X	
	Dunbar*	X		X		
	South Charleston*	X				
	Clarksburg*	X				X
	Fairmont*		X			
	Lewisburg	X	X			
	Martinsburg*	X	X	X		
	Milton*		X			
	Morgantown*			X	X	
	Moundsville			X	X	
	Nitro*		X			
	Oak Hill					X
	Parkersburg*					X
	Princeton		X			
	Ranson*	X	X	X	X	
	Shinnston*					
	Spencer					
	St. Albans		X	X	X	
	Vienna*	X	X	X	X	
Weirton*	X					

** Indicates No Proposal Related to Neglected Property

Now enacted statewide

Community (*application approved)	Payment of demo. lien before securing deed	Imposition of a sales and use tax	City purchasing tax liens on properties	Probationary time permitted for new building code	Law Enforcement Officers serve as Code Officials	Joint Code Enforcement
Charleston*						
Wheeling*						
Huntington*						
Bridgeport*						
Bath						
Bluefield*						
Buckhannon*						
Charles Town*					X	X
Dunbar*						
South Charleston*						
Clarksburg*	X					
Fairmont*		X				
Lewisburg						
Martinsburg*			X			
Milton*						
Morgantown*						
Moundsville						
Nitro*		X				
Oak Hill	X					
Parkersburg*	X		X			
Princeton						
Ranson*					X	X
Shinnston*						
Spencer		X				
St. Albans						
Vienna*						
Weirton*				X		

Community (*application approved)	Land Bank Fast Track Authority	Expand B &O Tax credits for BAD Bldgs.	Vacant Property Registration**
Charleston*			
Wheeling*			X
Huntington*	X		
Bridgeport*			
Bath			
Bluefield*			
Buckhannon*			
Charles Town*			
Dunbar*			
South Charleston*			
Clarksburg*			
Fairmont*		X	
Lewisburg			
Martinsburg*			
Milton*			
Morgantown*			
Moundsville			
Nitro*			
Oak Hill			
Parkersburg*			
Princeton			
Ranson*			
Shinnston*			
Spencer			
St. Albans			
Vienna*			
Weirton*			