

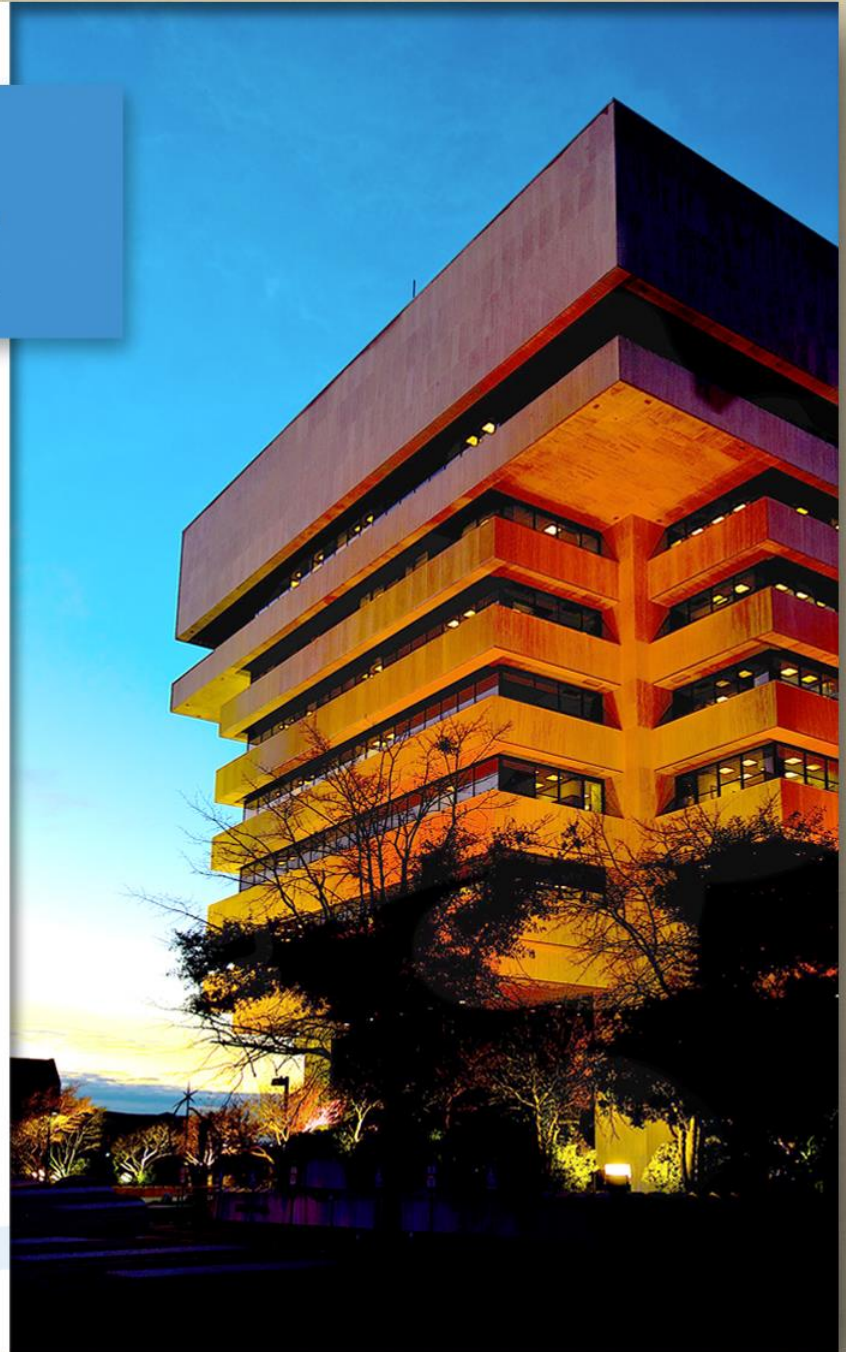
HAMPTON VA

Vacant Building Registry

**Work Session
Legal Briefing**

November 13, 2024

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Vacant Buildings

- A house or structure that has been continuously vacant for a period of 12 months or more

Vacant Houses: Aging Neighborhoods

- Older neighborhoods with houses who have had life long residents.
- Once older residents pass on, adult children (sometimes out of state) some times allow a house to sit vacant – can be held up by probate or other issues.

Vacant Buildings – Property Maintenance Concerns

- Vacant structures that are not being maintained attract pests, like rodents.
- When these structures are not maintained, they fall into disrepair creating property maintenance issues, like holes in roofs, rotting wood, overgrowth, high grass, etc.

Vacant Houses - Squatters

- Hampton has experienced multiple instances of homes with out of state owners where squatters have moved in either simply to live or sometimes to engage in criminal activity:
 - Gangs
 - Drugs
 - Shootings

Virginia Code 15.2-1127

- Prior to 2013, certain towns and all cities had the authority to require registration of any building that had been vacant for a period of 12 months or more.
- 2013 General Assembly amended the code to allow registration of such buildings only if they met the definition of derelict.

Virginia Code 15.2-1127

- In 2024, the City lobbied to go back to the version prior to 2013, but through compromise during the session, the General Assembly amended to state if the structure has been vacant continuously for 12 months or more and if the structure is a “derelict building”, meets the definition of “criminal blight”, or if an unwanted person is living in the structure

Derelict Buildings

- To meet the definition of derelict, a locality must determine that the building:
 - 1) *might endanger the public's health, safety, or welfare; and,*
 - 2) *for a continuous period in excess of six months, it has been:*
 - a. *Vacant; and*
 - b. *Boarded up; and*
 - c. *Not lawfully connected to electric service, required water or sewer service.*

Criminal Blight

- A condition existing on real property that endangers the public health or safety of the residents **and** is caused by
 - Drug use;
 - Possession, manufacturing, distributing illegal substances;
 - Prostitution; or
 - Repeated firearm discharge within the structure

Proposed Ordinance

Proposed Ordinance:

- If a building has been vacant for more than 12 months consecutively **and** meets one of the following: (1) derelict building; (2) the site of criminal blight; or (3) an unauthorized person is living in the building, then the owner **must register the building on an annual basis**

Proposed Ordinance

To register such buildings, the following must be provided:

- Address
- Name, address, and phone number of the owner and/or owner's agent
- How long the building it is likely to remain vacant and why
- A description of the measures to ensure compliance with all applicable building, health, and property maintenance codes; **and**
- Proof that there is an on-going rodent abatement and prevention plan

Proposed Ordinance

- A registration fee of \$100 initially.
- For each subsequent year, or any part of such year, that the building remains continuously vacant, an annual registration fee of \$100 due within 15 days of anniversary of initial registration
- Failure to register shall result in a \$200 civil penalty.

Enforcement

- Monitor vacant buildings to determine if they meet the criteria set forth in the proposed ordinance
- If they meet the criteria and have not registered, we send NOV for failing to register
- If they have not complied in 30-day period, we send letter notifying that we will assess the \$200 civil penalty

Enforcement

- The state code only allows for a civil penalty
- Once we send the letter notifying the owner of the civil penalty, we then have to file a Warrant in Debt in the General District Court to get a judgment for the \$200 civil penalty

Conclusion / Questions

