

1 **Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by**
2 **Amending Chapter 37 - Taxation, Article II – Real Estate Taxes to add Division 8.**
3 **Classification of Blighted Properties**

4 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Chapter 37,
5 Article II of the City Code of the City of Hampton, Virginia be amended to add Division 8,
6 to read as follows:

7 CHAPTER 37 – TAXATION

8 . . .

9 ARTICLE II. – REAL ESTATE TAXES

10 . . .

11 **DIVISION 8. – CLASSIFICATION OF BLIGHTED PROPERTIES**

12 **State Law references** – Authority to adopt an ordinance to enact this Division 8,
13 Code of Virginia §58.1-3221.6; Definition of “blighted property”, Code of Virginia §36-3.

14 **Sec. 37-141. - Authorized.**

15 The city, as a “qualifying locality” as defined §58.1-3221.6 of the Code of Virginia,
16 hereby declares blighted properties, along with the land such properties are located on,
17 to be a separate class of property and to constitute a separate classification for local
18 taxation of real property.

19

20 **Sec. 37-142. – Blighted properties, defined.**

21 For the purposes of this Division 8, “blighted property” means any individual
22 commercial, industrial, or residential structure or improvement that endangers the
23 public’s health, safety, or welfare because the structure or improvement upon the
24 property is dilapidated, deteriorated, or violates minimum health and safety standards,
25 or any structure or improvement designated as blighted pursuant to §36-49.1:1 of the
26 Code of Virginia under the process for determination of “spot blight.”

27

28 **Sec. 37-143. – Separate tax rate.**

29 City council may by ordinance levy a tax on any property classified by the office
30 of the assessor of real estate as blighted property at a rate that may exceed the rate
31 applicable to the general class of real property by up to five percent (5%), but shall not

32 be less than the rate applicable to the general class of real property. Such tax shall
33 continue to be imposed until it has been determined by the office of the assessor real
34 estate that such property no longer constitutes a blighted property.

35
36 **Sec. 37-144. Assessor to determine classification.**

37 Each January 1 and July 1, the office of the assessor of real estate shall review
38 the condition of all properties in the city to determine (i) which properties to classify as
39 blighted property and (ii) which properties previously classified as a blighted properties
40 are then in a condition sufficiently improved to no longer qualify for that classification.
41 For the purpose of this review, the office of the assessor may rely on those properties
42 included on the city's department of community development "Public
43 Nuisance/Condemned" list as having been identified as "unsafe structures" under
44 section 106.3 of the Virginia Property Maintenance Code, as it may be amended from
45 time to time, as of the date available nearest the date of review.

46 **Sec. 37-145. Notice.**

47 The office of the assessor of real estate shall notify a property owner of a change
48 in classification pursuant to this Division 8 within five (5) business day of posting the
49 change to the assessment record of the property.

50
51 **Sec. 37-146. Property owner remedies.**

52 (a) At any time prior to the expiration of the time period for which an assessment
53 can be appealed pursuant §58.1-3980 of the Code of Virginia, for any
54 property that has been classified as blighted in accordance with this Division
55 8, the property owner may request a hearing before the city's assessor of real
56 estate to establish that the classification does not or no longer applies to the
57 property. For this purpose, the owner shall follow the process prescribed in
58 city code section 37-17.2, without being limited by the deadlines stated
59 therein. If the assessor concurs with the property owner, the "blighted
60 property" classification shall be removed from the property as of the date of
61 the property owner's request for a hearing.

62
63 (b) In addition to subsection (a), any property owner aggrieved by the application
64 of this Division 8 may appeal the determination of the office of the assessor of
65 real estate in the same manner as an erroneous assessment in accordance
66 with Article 5 of Chapter 39 of the Code of Virginia.

