

	Loudoun County Government Administrative Policies and Procedures	
	Title: Blight Abatement Program	Effective Date: 12/04/2007
Number: XXXX	Date of Last Revision/Review: 12/04/2007	
	Expiration Date: NA	

Purpose:

These policies and procedures describe the County’s process for handling complaints of blighted structures. Blighted structures which are unsafe and present a threat to the health, safety, and welfare of the public are considered a nuisance. Certain remedies can take place apart from a Blight Abatement Program, but this Program affords greater options to mitigate the impact of a blighted structure on the community.

Authority:

The Board of Supervisors is authorized through Code of Virginia § 36-49.1:1 to declare any blighted structure a nuisance and ensure its repair or removal. A “blighted property” is defined by Code of Virginia § 36-3 as a structure or improvement “that endangers the public’s health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards....” Additional authority in this section permits the County to recover the costs of repairing or removing the nuisance. The method for recovering these costs is through a lien on the property.

Responsibility of Each County Department:

County Administration will coordinate with the following departments to inspect the property and structure for violations of State and County Codes and Ordinances:

- 1) Building Code Enforcement;
- 2) Zoning Department;
- 3) Health Department; and
- 4) Office of Solid Waste Management (only responsible for enforcing the cleanup of litter, including trash, garbage, or other discarded objects).

The individual efforts of each County department, after a complaint is received by County Administration, shall be coordinated through County Administration, in order to reduce duplication of efforts and to circulate pertinent information that might assist other departments.

Building Code Enforcement

The Building Code Enforcement (BCE) division of Building and Development will be the primary County resource for determining if the structure is either unsafe or unfit for human occupancy. If either, BCE staff shall place a placard on the structure, identifying its status, and, if necessary, mandate that the structure be secured against entry. BCE will not determine whether the structure meets the criteria of the Blight Abatement Program, but the determination that it is

unsafe or unfit for human occupancy is the most important factor in considering whether a structure endangers the health, safety, and welfare of the public.

Should the structure be in such a state that it is not able to be secured against public entry and it poses an immediate threat to the public, BCE staff shall order its demolition. If the property owner does not take corrective action, County staff may contract out the demolition of said structure. The authority for this action is granted in the Uniform Statewide Building Code (USBC), as adopted in the County's Codified Ordinances, and is wholly separate from the Blight Abatement Program.

If the structure is secured against public entry and demolition is not required by BCE staff, it shall be noted when the structure was first placarded as unsafe or unfit for human occupancy. No structure shall be subject to the Blight Abatement Program unless a calendar year has passed from the date the first placard was placed on the subject structure.

Zoning Enforcement

The Zoning Enforcement division of Building and Development shall be responsible for inspecting the structure and property for any violations of the Loudoun County Zoning Ordinance.

Additionally, should the Board of Supervisors (by separate action) authorize the additional staff necessary to further enforce the Property Maintenance Code sections of the USBC, Zoning Enforcement staff shall also inspect the property and structure for any violations of the Property Maintenance Code. Enforcement of the Property Maintenance Code may permit staff to ensure compliance without requiring the full resources of the Blight Abatement Program. Furthermore, should a property not meet the criteria for the Blight Abatement Program, enforcement of the Property Maintenance Code is an effective way to enforce maintenance on dilapidated or deteriorated structures.

Health Department

The Health Department shall be responsible for enforcing Chapter 648 of the Codified Ordinances, including the unsanitary disposal of trash, garbage, and debris, as well as pertinent sections of the Nuisance Code relating to rodent harborage or other threats to the public's health, safety, and welfare.

The Health Department's jurisdiction lies primarily with the property, not relating to the structure. The Health Department can play a supplemental role in ensuring the cleanliness of the property.

Office of Solid Waste Management

The Office of Solid Waste Management (OSWM) is responsible for administering and enforcing Chapter 1088 of the Codified Ordinances, mandating the removal of trash from any private or public property. OSWM's jurisdiction includes requiring outdoor storage of trash within appropriate receptacles. OSWM does not regulate outdoor storage of materials, structures, or improvements to properties.

Criteria for Determining Blight:

All of the following criteria must be met for a blighted structure to be considered a nuisance:

- 1) The structure/property must be the subject of complaints from the public;
- 2) The structure must be vacant and placarded by BCE as unsafe or unfit for human occupancy in accordance with the USBC for at least **one** year;
- 3) The structure must be lacking in normal upkeep and maintenance; and
- 4) The property owner must be failing to pursue normal maintenance of the structure or failing to actively remedy the current situation which prohibits occupancy of the structure.

“Normal upkeep and maintenance” is more specifically described as commonly accepted measures which are meant to maintain the integrity and safety of a structure, to include preventing exposure to the elements, protecting against infestation of unwanted animals or pests, and eliminating litter or debris which might endanger the inhabitants or the public at large.

“To actively remedy the current situation” is further described as measurable actions taken by the property owner or responsible agent to mitigate the situation which has led to complaints being filed. It shall be up to the reasonable discretion of County staff to determine whether measurable actions are being taken, or whether the property owner is failing to pursue final resolution.

Certain circumstances can affect a property owner or responsible agent’s course and timeliness of action. Such circumstances can include: the death of a family member or property owner, differences with or legal action against an insurance company, the financial stability of the property owner, or the mental stability of the property owner. Once again, County staff will take all factors into consideration when evaluating whether the property owner or responsible agent is making reasonable efforts to remedy the property’s blighted status.

The definition of a blighted structure in the Code of Virginia requires that it be a threat to the “health, safety, or welfare” of the public. While each circumstance will present different factors to consider, staff will generally consider a structure as blighted if one of the following criteria is met:

- 1) The structure is open, cannot be secured against entry, and is unsafe or unfit for human occupancy;
- 2) The unsafe structure is secured against public entry, but it presents a threat to a neighboring property or public way (such as a road or sidewalk) because of a potential collapse or other threat;
- 3) The structure is determined to harbor rodents or other nuisances which may negatively impact a neighboring property; or
- 4) The unsafe structure is secured against entry and does not threaten a neighboring property or public way, but its present state of disrepair threatens the general welfare of the public by: reducing the real or perceived value of an adjacent property; presenting a visual blight due to collapse, fire damage, or other unrepaired damage; lying in a state of incomplete construction, resulting in a negative view of the surrounding properties; or other similar conditions.

Certain factors should be considered which may affect staff's evaluation of a property under the Blight Abatement Program, including:

- 1) Is it a farm structure which is subject to the Right to Farm Act;
- 2) Is it in a Historic District, at which time staff should consult with the Historic District Review Committee;
- 3) Would the removal of the structure render the property useless or unbuildable due to Zoning or Health Department regulations; or
- 4) Would the cost of removing the structure be more than the value of the resulting vacant property?

Procedure

Complaint

The Citizen Relations Manager in the Office of the County Administrator will act as the primary contact with both the public (complainants and property owners) and County staff. When receiving complaints from the public, the following information will be requested:

- 1) A description of the property, including address, and structure considered a blight;
- 2) The length of time the property under discussion has been in such a state;
- 3) Any additional information that might be helpful to County staff regarding the property; and
- 4) The complainant's name, telephone number, and address.

Investigation

Upon receipt of a complaint, County Administration shall:

- 1) Enter the complaint into the Active Citizen Response database;
- 2) Forward the complaint to BCE and Zoning for inspections or a status report of previous action(s) taken on the property;
- 3) If necessary, forward the complaint to the Health Dept. and OSWM for specific issues identified by BCE and/or Zoning staff; and
- 4) Evaluate the status of the property compared to the criteria set forth above.

Evaluation

County Administration will prepare an initial report on the status of the complaint, incorporating specific details from the investigation by County staff. County Administration shall make the initial determination of whether the structure meets the necessary criteria to be considered a nuisance. If the criteria have not been met, County Administration will notify the complainant and property owner of the results of the investigation. Staff can take into consideration additional information or details as they become available or if circumstances change, and staff may revise its recommendations accordingly.

If County Administration determines that the structure does meet the criteria set forth in these procedures and that the complaint warrants further action, County Administration shall contact the property owner to inform him or her of the findings of the investigation. Staff shall work in

concert with the property owner and/or responsible agent to describe the steps necessary to remedy the blighted situation.

Should the property owner not positively respond to the recommendations, County Administration shall convene an ad hoc committee of County staff to further evaluate the property. Such a committee shall be convened at the discretion of County Administration and its membership shall be comprised of those departments or divisions which County Administration decides would best assist in evaluating the situation and, if necessary, making recommendations to the Board of Supervisors.

The committee shall make a determination whether the property meets the criteria described previously, and if so, what action would be necessary to mitigate the nuisance. The committee shall issue a final report, to be compiled by County Administration, regardless of the action recommended.

Action

If the committee determines that the structure appears blighted and constitutes a nuisance, it shall recommend either:

- 1) Repair of the structure, to ensure it is safe and fit for human occupancy, or
- 2) Removal of the structure.

Upon completing such a report, County Administration shall issue the report to the property owner and again request compliance with the recommendations of County staff. Staff will further inform the property owner of the authority granted to the Board of Supervisors to abate or remove the nuisance at its discretion. Should the property owner fail to respond appropriately, staff will prepare an item, in coordination with the County Attorney, for a Public Hearing of the Board of Supervisors.

At the Public Hearing, staff will present its findings and make recommendations to the Board on how best to remedy the nuisance. If the Board authorizes staff to abate or remove the nuisance at the County's expense, staff shall take the following steps, as outlined in Code of Virginia § 15.2-906, to ensure reasonable notice is given to the property owner:

- 1) A letter shall be sent via certified or registered mail, return receipt requested, to the last known address of the property owner, including the report of the staff's investigation and information describing the Board of Supervisors' action; and
- 2) An ad shall be placed for two consecutive weeks in a newspaper having general circulation in the County describing the action authorized by the Board of Supervisors to abate or remove the nuisance.

Staff shall wait at least 30 days after the return of the receipt or the last advertisement before taking steps to abate or remove the nuisance. Once this timeframe has elapsed, barring additional information or action on the part of the property which may affect the situation, staff shall carry out the authorization of the Board of Supervisors, either through existing resources or through its ability to contract with an agent as approved for such action.

Should the County, at its own expense, abate or remove the nuisance, the County shall place a lien on the property for the actual costs incurred and recover such lien as allowed by law.