

Gate City Property Maintenance Process

1. The property maintenance complaint when received is documented in iWorQ Code Enforcement Software.
2. Gate City Property Maintenance Inspector Investigates the complaint by visiting the property and taking pictures of the complaint's issues.
3. Gate City Property Maintenance Inspector draft the Notice of Violation (NOV) detailing the violations reported.
4. Gate City Property Maintenance Inspector sends the draft NOV to the Gate City Building Code Official for approval. The NOV shall have a compliance deadline of fourteen days from the date of the letter unless otherwise instructed by the Gate City Building Code Official.
5. Once the Gate City Building Official approves the NOV, the Gate City Property Maintenance Inspector mails the NOV to the Property Owner. The Property Maintenance Inspector establishes service by completing the following:
 - a. Mail NOV by certified mail/return receipt to the property owner of record.
 - b. Mail NOV by third class mail to the property owner of record
 - c. Post NOV on the front door of the effected property or on the Property Violation sign if a front door is not located on the property.
 - d. Post NOV in the front lobby of the Gate City Town Hall
 - e. Post NOV in the front lobby of the Gate City Court House.
 - f. NOV Public notices for structure and wall repair must be followed in accordance of VA Code § 15.2-906/Town Code 6.5 listed below.
6. Gate City Property Maintenance Inspector shall document service by making copies of the NOV with post office receipts and pictures showing the NOV posted at the property, Town Hall, and Courthouse. Proof of Publication from VA Star for structure and wall repairs and/or abatements. Service documentation is then posted to iWorQ Code Enforcement Software.
7. Gate City Property Maintenance Inspector and Gate City Building Code Official shall document all communication regarding the NOV and post to iWorQ Code Enforcement Software accordingly.
8. Gate City Property Maintenance Inspector shall update the iWorQ Code Enforcement Software with the status of the NOV that has been mailed. If the NOV has been returned "unclaimed" or for any other reason, iWorQ Code Enforcement Software shall be updated. The returned NOV shall be retained in a separate file folder until the case is resolved.
9. On the NOV deadline or shortly thereafter, the Gate City Property Maintenance Inspector shall inspect the property for compliance:
 - a. If the Property in in compliance, document with pictures and post to the iWorQ Code Enforcement Software. Draft a release letter and send to the Gate City

Building Official for approval. Once approved, then mail to the property owner of record and document iWorQ Code Enforcement Software.

- b. If the Property is not in compliance, the Gate City Property Maintenance Inspector may;
 - i. Weeds: Hire contractor and/or assign to Town Crew to abate the violation.
 - ii. Debris: Hire contractor and/or assign to Town Crew to abate the violation.
 - iii. Minor Structural Issue: Hire contractor and/or assign to Town Crew to abate the violation. This must be done immediately if danger to pedestrians. **File Notice Per: VA Code§ 15.2-906/Town Cod 6.5**
 - iv. Retaining Wall Issue: Hire contractor and/or assign to Town Crew to abate the violation. This must be done immediately if danger to pedestrians. **File Notice Per: VA Code§ 15.2-906/Town Cod 6.5**

118.7 Emergency repairs and demolition

To the extent permitted by the locality, the building official may authorize emergency repairs to unsafe buildings or structures when it is determined that there is an immediate danger of any portion of the unsafe building or structure collapsing or falling and when life is endangered. Emergency repairs may also be authorized when there is a code violation resulting in a serious and imminent threat to the life and safety of the occupants or public. The building official shall be permitted to authorize the necessary work to make the unsafe building or structure temporarily safe whether or not legal action to compel compliance has been instituted.

In addition, whenever an owner of an unsafe building or structure fails to comply with a notice to demolish issued under Section 118.4 in the time period stipulated, the building official shall be permitted to cause the unsafe building or structure to be demolished. In accordance with §§ 15.2-906 and 15.2-1115 of the Code of Virginia, the legal counsel of the locality may be requested to institute appropriate action against the property owner to recover the costs associated with any such emergency repairs or demolition and every such charge that remains unpaid shall constitute a lien against the property on which the emergency repairs or demolition were made and shall be enforceable in the same manner as provided in Articles 3 (§58.1-3940 et seq.) and 4 (§58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia.

13VAC5-63-180. Section 118 Unsafe buildings or structures:

H. Section 118.7 Emergency repairs and demolition. To the extent permitted by the locality, the building official may authorize emergency repairs to unsafe buildings or structures when it is determined that there is an immediate danger of any portion of the unsafe building or structure collapsing or falling and when life is endangered. Emergency repairs may also be authorized when there is a code violation resulting in a serious and imminent threat to the life and safety of the occupants or public. The building official shall be permitted to authorize the necessary work to make the unsafe building or structure temporarily safe whether or not legal action to compel compliance has been instituted.

- v. Major Structural Issue: Seek approval from Town Council to file court case against the property owner of record. **File Notice Per: VA Code§ 15.2-906/Town Cod 6.5**
- vi. Note: Action shall be taken by the locality to remove, repair, or secure any building immediately if the issue is an imminent threat to public safety
Public Notice will still need to be made.

VA Code§ 15.2-906 – Notice Requirements to Raze Buildings:

2. The locality through its own agents or employees may remove, repair or secure any building, wall or any other structure that might endanger the public health or safety of other residents of such locality, if the owner and lienholder of such property, after reasonable notice and a reasonable time to do so, has failed to remove, repair, or secure the building, wall or other structure. For purposes of this section, repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings. For purposes of this section, reasonable notice includes **a written notice (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner and (ii) published once a week for two successive weeks in a newspaper having general circulation in the locality. No action shall be taken by the locality to remove, repair, or secure any building, wall, or other structure for at least 30 days following the later of the return of the receipt or newspaper publication**, except that the locality may take action to prevent unauthorized access to the building within seven days of such notice if the structure is deemed to pose a significant threat to public safety and such fact is stated in the notice;

10. If abatement is completed by a contractor and/or Town Crew, the property owner must be billed to recover cost. If the abatement is done by the Town Crew, VDOT equipment rates shall apply.
11. The abatement billing in excess of \$200.00 shall constitute a lien on the effected property in accordance to Virginia State Code § 15.2-1115. The lien is made by posting the abatement billing to the Gate City Tax Roll. The abatement billing shall be kept in a separate folder maintained by the Gate City Treasurer.
12. If the Courts award a per day fine, then the fine is treated the same way as the abatement billing. If it is not paid, a lien can be filed.
13. The property owner of record will have 30 days to pay the abatement billing.
14. If the property owner does not pay the abatement billing in 30 days, then administration cost shall be added in accordance of Sec. 24-16 of the Gate City Town Ordinance. **The fee for administrative costs shall be \$150.00 or 25 percent of the cost, whichever is less; however, in no event shall the fee be less than \$25.00.**
15. The abatement billing once posted to the Gate City Tax Roll is treated in the same manner as the Real Estate Tax assessment. **After the abatement billing is 90 days delinquent and the collection penalty is added, the account is turned over to TACS for collection.**
16. If the abatement billing remains unpaid on December 31 following the first anniversary of the date on which such lien was recorded, the property shall be deemed subject to sale by public auction per § 58.1-3965.

Gate City Town Ordinance References:

Sec. 18-12. Removal of trash, garbage, etc., from property: That every charge authorized by this chapter with which the owner of any such property shall have been assessed and which remains unpaid, shall constitute a lien against such property.

Sec. 18-13. Removal of weeds, grass, and other foreign growth on vacant property: Every charge authorized by this chapter with which the owner of any such property shall have been assessed and which remains unpaid, shall constitute a lien against such property.

Sec. 18-14. Penalty: Any person who shall violate the provisions of this chapter shall be guilty of a Class 4 misdemeanor.

Sec. 24-16. - Collection of fees.

Any person liable for any taxes imposed by this chapter or for other delinquent charges owed to the town, who fails to pay or remit the taxes required under this chapter or other delinquent charges on or before the due date shall, in addition to all penalties and interest, pay a fee to cover the administrative costs associated with the collection of taxes or other delinquent charges. A fee of \$30.00 dollars shall be imposed upon all taxpayers from whom taxes are collected subsequent to 30 or more days after notice of delinquent taxes or charges pursuant to the Code of Virginia, § 58.1-3919, but prior to the taking of any judgment with

respect to such delinquent taxes or charges. A fee of \$35.00 shall be imposed upon all taxpayers from whom taxes are collected subsequent to judgment. Additionally, collection agency's fees or attorney's fees actually contracted for not to exceed 20 percent of the delinquent tax bill, may be recovered from any such person whose taxes are thereafter collected by a private collection agent or attorney. The treasurer may waive any administrative fees imposed by this section when it is determined that the failure to pay a tax imposed under this chapter was not the fault of the taxpayer. If the collection activity is to collect on a nuisance abatement lien, the fee for administrative costs shall be \$150.00 or 25 percent of the cost, whichever is less; however, in no event shall the fee be less than \$25.00.

Sec. 6-5. Removal, repair, etc., of buildings and other structures.

In order to provide for the wellbeing and safety of the general public, the town council provides under the provisions of title 15.2 of the Code of Virginia, 1950, as amended, and any future amendments thereto:

- (1) That the owners of property therein, shall at such time as the town council may prescribe, remove, repair, or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the town.
- (2) That the town council through its own agents or employees may remove, repair, or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the town, wherein the owner of such property, after reasonable notice and reasonable time to do so, has failed to remove, repair, or secure such building, wall, or other structure. For purposes of this section, repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings. For purposes of this section, reasonable notice includes a written notice:
 - a. Mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner; and
 - b. Published once a week for two successive weeks in a newspaper having general circulation in the locality.

No action shall be taken by the town to remove, repair, or secure any building, wall, or other structure for at least 30 days following the later of the return of the receipt or newspaper publication, except that the locality may take action to prevent unauthorized access to the building within seven days of such notice if the structure is deemed to pose a significant threat to public safety and such fact is stated in the notice.

- (3) That in the event the town council, through its own agents or employees removes, repairs, or secures any building, wall, or any other structure after complying with the notice provisions of this section, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the town as taxes and levies are collected.

- (4) That every charge authorized by this section, with which the owner of any such property shall have been assessed and which remains unpaid, shall constitute a lien against such property or the Code of Virginia, § 15.2-900, with which the owner of any such property has been assessed and that remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in articles 3 (Code of Virginia, § 58.1-3490 et seq.) and 4 (Code of Virginia, § 58.1-3965 et seq.) of chapter 39 of title 58.1 of the Code of Virginia. The town council may waive such liens in order to facilitate the sale of the property only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.
- (5) Notwithstanding the foregoing, with the written consent of the property owner, the town may, through its agents or employees, demolish or remove a derelict nonresidential building or structure provided that such building or structure is neither located within nor determined to be a contributing property within a state or local historic district nor individually designated in the state landmarks register. The property owner's written consent shall identify whether the property is subject to a first lien evidenced by a recorded deed of trust or mortgage and, if so, shall document the property owner's best reasonable efforts to obtain the consent of the first lienholder or the first lienholder's authorized agent. The costs of such demolition or removal shall constitute a lien against such property. In the event the consent of the first lienholder or the first lienholder's authorized agent is obtained, such lien shall rank on a parity with liens for unpaid local taxes and be enforceable in the same manner as provided in this section. In the event the consent of the first lienholder or the first lienholder's authorized agent is not obtained, such lien shall be subordinate to that first lien but shall otherwise be subject to this section.
- (6) The town may prescribe civil penalties, not to exceed a total of \$1,000.00, for violations of any ordinance adopted pursuant to this section.

All Gate City Ordinance are online: <https://www.mygatecity.com/>

Virginia State Code References:

The term "nuisance" is defined herein as the doing of any act, omission to perform any duty, or the permitting of any condition or thing to exist that endangers life or health, obstructs, or interferes with the reasonable or comfortable use of property, or tends to depreciate the value of the property of others.

§ 15.2-900. Abatement or removal of nuisances by localities; recovery of costs: In addition to the remedy provided by § 48-5 and any other remedy provided by law, any locality may maintain an action to compel a responsible party to abate, raze, or remove a public nuisance. If the public nuisance presents an imminent and immediate threat to life or property, then the

locality may abate, raze, or remove such public nuisance, and a locality may bring an action against the responsible party to recover the necessary costs incurred for the provision of public emergency services reasonably required to abate any such public nuisance.

§ 15.2-901. Locality may provide for removal or disposal of trash, cutting of grass, weeds, and running bamboo; penalty in certain counties; penalty: Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1.

§ 15.2-1115. Abatement or removal of nuisances: Every charge authorized by this section in excess of \$200 which has been assessed against the owner of any such property and which remains unpaid shall constitute a lien against such property. Such liens shall have the same priority as liens for other unpaid local real estate taxes and shall be enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1.

§ 58.1-3958. Payment of administrative costs, etc. (Pending Council Approval of Sec. 2-144)
The governing body of any county, city or town may impose, upon each person chargeable with delinquent taxes or other delinquent charges, fees to cover the administrative costs and reasonable attorney's or collection agency's fees actually contracted for. The attorney's or collection agency's fees shall not exceed 20 percent of the taxes or other charges so collected. The administrative costs shall be in addition to all penalties and interest, and shall not exceed \$30 for taxes or other charges collected subsequent to 30 or more days after notice of delinquent taxes or charges pursuant to § 58.1-3919 but prior to the taking of any judgment with respect to such delinquent taxes or charges, and \$35 for taxes or other charges collected subsequent to judgment. If the collection activity is to collect on a nuisance abatement lien, the fee for administrative costs shall be \$150 or 25 percent of the cost, whichever is less; however, in no event shall the fee be less than \$25.

No tax assessment or tax bill shall be deemed delinquent and subject to the collection procedures prescribed herein during the pendency of any administrative appeal under § 58.1-3980, so long as the appeal is filed within 90 days of the date of the assessment, and for 30 days after the date of the final determination of the appeal, provided that nothing in this paragraph shall be construed to preclude the assessment or refund, following the final determination of such appeal, of such interest as otherwise may be provided by general law as to that portion of a tax bill that has remained unpaid or was overpaid during the pendency of such appeal and is determined in such appeal to be properly due and owing.

§ 58.1-3965. When land may be sold for delinquent taxes; notice of sale; owner's right of redemption.

A. When any taxes on any real estate in a locality are delinquent on December 31 following the second anniversary of the date on which such taxes have become due, or, in the case of real property upon which is situated (i) any structure that has been condemned by the local building official pursuant to applicable law or ordinance; (ii) any nuisance as that term is defined in § [15.2-900](#); (iii) any derelict building as that term is defined in § [15.2-907.1](#); or (iv) any property that has been declared to be blighted as that term is defined in § [36-49.1:1](#), the first anniversary of the date on which such taxes have become due, such real estate may be sold for the purpose of collecting all delinquent taxes on such property.

However, in a qualifying locality, as defined in § [58.1-3221.6](#), whenever (a) taxes on any real estate in the locality are delinquent upon the expiration of six months following the date on which such taxes became due and (b) the locality has incurred abatement costs which remain unpaid upon the expiration of six months following the date on which the abatement costs were first incurred, real estate meeting the conditions described in clause (i), (ii), (iii), or (iv) may be sold for the purpose of collecting all delinquent taxes and abatement costs on such property. For the purposes of this section, "abatement costs" means costs incurred by a locality that result from the conditions described in clause (i), (ii), (iii), or (iv).

Upon a finding by the court, on real estate with an assessed value of \$100,000 or less in any locality, that (a) any taxes on such real estate are delinquent on December 31 following the first anniversary of the date on which such taxes have become due or (b) there is a lien on such real estate pursuant to § [15.2-900](#), [15.2-906](#), [15.2-907](#), [15.2-907.1](#), [15.2-908.1](#), or [36-49.1:1](#), which lien remains unpaid on December 31 following the first anniversary of the date on which such lien was recorded, the property shall be deemed subject to sale by public auction pursuant to proper notice under this subsection.

The officer charged with the duty of collecting taxes for the locality wherein the real property lies shall, at least 30 days prior to instituting any judicial proceeding pursuant to this section, send a notice to (1) the last known address of the property owner as such owner and address appear in the records of the treasurer, (2) the property address if the property address is different from the owner's address and if the real estate is listed with the post office by a numbered and named street address and (3) the last known address of any trustee under any deed of trust, mortgagee under any mortgage and any other lien creditor, if such trustee, mortgagee or lien creditor is not otherwise made a party defendant under § [58.1-3967](#), advising such property owner, trustee, mortgagee or other lien creditor of the delinquency and the officer's intention to take action. Such notice shall advise the taxpayer that the taxpayer may request the treasurer to enter into a payment agreement to permit the payment of the delinquent taxes, interest, and penalties over a period not to exceed 36 months in accordance with the provisions of subsection C. Such officer shall also cause to be published at least once a list of real estate which will be offered for sale under the provisions of this article in a newspaper of general circulation in the locality, at least 30 days prior to the date on which judicial proceedings under the provisions of this article are to be commenced.

The pro rata cost of such publication shall become a part of the tax and together with all other costs, including reasonable attorneys' fees set by the court and the costs of any title examination conducted in order to comply with the notice requirements imposed by this section, shall be collected if payment is made by the owner in redemption of the real property described therein whether or not court proceedings have been initiated. A notice substantially in the following form shall be sufficient:

Notice

Judicial Sale of Real Property

On _____ (date) _____ proceedings will be commenced under the authority of § [58.1-3965](#) et seq. of the Code of Virginia to sell the following parcels for payment of delinquent taxes:
(description of properties)

B. The owner of any property listed may redeem it at any time before the date of the sale by paying all accumulated taxes, penalties, reasonable attorneys' fees, interest, and costs thereon, including the pro rata cost of publication hereunder. Partial payment of delinquent taxes, penalties, reasonable attorneys' fees, interest, or costs shall not be sufficient to redeem the property, and shall not operate to suspend, invalidate, or make moot any action for judicial sale brought pursuant to this article.

C. Notwithstanding the provisions of subsection B and of § [58.1-3954](#), the treasurer or other officer responsible for collecting taxes may suspend any action for sale of the property commenced pursuant to this article upon entering into an agreement with the owner of the real property for the payment of all delinquent amounts in installments over a period which is reasonable under the circumstances, but in no event shall exceed 36 months. Any such agreement shall be secured by the lien of the locality pursuant to § [58.1-3340](#).

D. During the pendency of any installment agreement permitted under subsection C, any proceeding for a sale previously commenced shall not abate, but shall be continued on the docket of the court in which such action is pending. It shall be the duty of the treasurer or other officer responsible for collecting taxes to promptly notify the clerk of such court when obligations arising under such an installment agreement have been fully satisfied. Upon the receipt of such notice, the clerk shall cause the action to be stricken from the docket.

E. In the event the owner of the property or other responsible person defaults upon obligations arising under an installment agreement permitted by subsection C, or during the term of any installment agreement, defaults on any current obligation as it becomes due, such agreement shall be voidable by the treasurer or other officer responsible for collecting taxes upon 15 days' written notice to the signatories of such agreement irrespective of the amount remaining due. Any action for the sale previously commenced pursuant to this article may proceed without any requirement that the notice or advertisement required by subsection A, which had previously been made with respect to such property, be repeated. No owner of property which has been the subject of a defaulted installment agreement shall be eligible to enter into a second installment agreement with respect to the same property within three years of such default.

F. Any corporate, partnership or limited liability officer, as those terms are defined in § [58.1-1813](#), who willfully fails to pay any tax being enforced by this section, shall, in addition to other penalties provided by law, be liable to a penalty of the amount of the tax not paid, to be assessed and collected in the same manner as such taxes are assessed and collected.

G. During the pendency of the action, the circuit court in which the action is pending may, on its own motion or on the motion of any party, refer the parties to a dispute resolution proceeding pursuant to the provisions of Chapter 20.2 (§ [8.01-576.4](#) et seq.) of Title 8.01.

H. In any case in which real estate subject to delinquent taxes is situated in two or more jurisdictions, a suit to sell the entirety of the real estate pursuant to this article may be brought in a single jurisdiction provided that (i) taxes are delinquent in all jurisdictions for periods not less than the minimum applicable periods set forth in subsection A and (ii) the treasurer of each jurisdiction within which the property is situated consents to the suit.

The suit shall identify the taxes, penalties, interest, and other charges due in each jurisdiction. The publications and notices required pursuant to this section shall identify each of the jurisdictions in which the property is situated. Upon sale of the property, the order confirming the sale shall provide for the payment of taxes, penalties, interest, and other charges to each jurisdiction, and copies of the order confirming the sale and the deed conveying the property to the purchaser shall be recorded among the land records of the clerk's office of the circuit court for each jurisdiction within which the property that is the subject of the suit is situated.

§ 15.2-906. Authority to require removal, repair, etc., of buildings and other structures.

Any locality may, by ordinance, provide that:

1. The owners of property therein, shall at such time or times as the governing body may prescribe, remove, repair, or secure any building, wall or any other structure that might endanger the public health or safety of other residents of such locality;
2. The locality through its own agents or employees may remove, repair, or secure any building, wall or any other structure that might endanger the public health or safety of other residents of such locality, if the owner and lienholder of such property, after reasonable notice and a reasonable time to do so, has failed to remove, repair, or secure the building, wall, or other structure. For purposes of this section, repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings. For purposes of this section, reasonable notice includes a written notice (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner and (ii) published once a week for two successive weeks in a newspaper having general circulation in the locality. No action shall be taken by the locality to remove, repair, or secure any building, wall, or other structure for at least 30 days following the later of the return of the receipt or newspaper publication, except that the locality may take action to prevent unauthorized access to the building within seven days of such notice if the structure is deemed to pose a significant threat to public safety and such fact is stated in the notice;
3. In the event that the locality, through its own agents or employees, removes, repairs, or secures any building, wall, or any other structure after complying with the notice provisions of

this section or as otherwise permitted under the Virginia Uniform Statewide Building Code in the event of an emergency, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected;

4. Every charge authorized by this section or § [15.2-900](#) with which the owner of any such property has been assessed and that remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3 (§ [58.1-3940](#) et seq.) and 4 (§ [58.1-3965](#) et seq.) of Chapter 39 of Title 58.1. A locality may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed;

5. Notwithstanding the foregoing, with the written consent of the property owner, a locality may, through its agents or employees, demolish or remove a derelict nonresidential building or structure provided that such building or structure is neither located within or determined to be a contributing property within a state or local historic district nor individually designated in the Virginia Landmarks Register. The property owner's written consent shall identify whether the property is subject to a first lien evidenced by a recorded deed of trust or mortgage and, if so, shall document the property owner's best reasonable efforts to obtain the consent of the first lienholder or the first lienholder's authorized agent. The costs of such demolition or removal shall constitute a lien against such property. In the event the consent of the first lienholder or the first lienholder's authorized agent is obtained, such lien shall rank on a parity with liens for unpaid local taxes and be enforceable in the same manner as provided in subdivision 4. In the event the consent of the first lienholder or the first lienholder's authorized agent is not obtained, such lien shall be subordinate to that first lien but shall otherwise be subject to subdivision 4; and

6. A locality may prescribe civil penalties, not to exceed a total of \$1,000, for violations of any ordinance adopted pursuant to this section.

§ 58.1-3970.1. Appointment of special commissioner to execute title to certain real estate with delinquent taxes or liens to localities.

A. Except as provided in subsection B, in any proceedings under this article for the sale of a parcel or parcels of real estate which meet all of the following: **(i) each parcel has delinquent real estate taxes or the locality has a lien against the parcel for removal, repair or securing of a building or structure; removal of trash, garbage, refuse, litter; or the cutting of grass, weeds or other foreign growth, (ii) each parcel has an assessed value of \$75,000 or less, and (iii) such taxes and liens, together, including penalty and accumulated interest, exceed 50 percent of the assessed value of the parcel or such taxes alone exceed 25 percent of the assessed value of the parcel, the locality may petition the circuit court to appoint a special commissioner to execute the necessary deed or deeds to convey the real estate to the locality in lieu of the sale at public auction.** After notice as required by this article, service of process, and upon answer filed by the owner or other parties in interest to the bill in equity, the court shall allow the parties to present evidence and arguments, ore tenus, prior to the appointment of the

special commissioner. Any surplusage accruing to a locality as a result of the sale of the parcel or parcels after the receipt of the deed shall be payable to the beneficiaries of any liens against the property and to the former owner, his heirs or assigns in accordance with § 58.1-3967. No deficiency shall be charged against the owner after conveyance to the locality.

B. For a parcel or parcels of real estate in a locality with a score of 100 or higher on the fiscal stress index, as published by the Department of Housing and Community Development in July 2020, all of the provisions of subsection A shall apply except (i) that the percentage of taxes and liens, together, including penalty and accumulated interest, and the percentage of taxes alone set forth in clause (iii) of subsection A shall exceed 35 percent and 15 percent, respectively, of the assessed value of the parcel or parcels or (ii) that the percentage of taxes and liens, together, including penalty and accumulated interest, and the percentage of taxes alone set forth in clause (iii) of subsection A shall exceed 20 percent and 10 percent, respectively, of the assessed value of the parcel or parcels, and each parcel has an assessed value of \$150,000 or less, provided that under this clause the property is not an occupied dwelling, and the locality enters into an agreement for sale of the parcel to a nonprofit organization to renovate or construct a single-family dwelling on the parcel for sale to a person or persons to reside in the dwelling whose income is below the area median income.

C. For sales by a nonprofit organization pursuant to subsection B, such sales may include either (i) both the land and the structural improvements on a property or (ii) only the structural improvements of a property and not the land the structural improvements are located on. A sale of only the structural improvements is permissible only if (a) the structural improvements are subject to a ground lease with a community land trust, as that term is defined in § 55.1-1200; (b) the structural improvements are subject to a ground lease that has a term of at least 90 years; and (c) the community land trust retains a preemptive option to purchase such structural improvements at a price determined by a formula that is designed to ensure that the improvements remain affordable in perpetuity to low-income and moderate-income families earning less than 120 percent of the area median income, adjusted for family size.

1999, c. 869; 2003, cc. 16, 156; 2004, c. 968; 2011, c. 688; 2012, cc. 87, 610; 2014, c. 519; 2015, c. 379; 2019, cc. 159, 541; 2020, c. 244; 2021, Sp. Sess. I, c. 408.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.