

HB 4386

FILED

2008 MAR 27 AM 11:06

CLERK OF SENATE
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2008



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 4386**

(By Delegates DeLong and Morgan)



Passed March 7, 2008

In Effect Ninety Days from Passage

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4386

(BY DELEGATES DELONG AND MORGAN)

[Passed March 7, 2008; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-16a, relating to uninhabitable property in municipalities; authorizing municipalities to establish property registration and assess fees by ordinance; procedures and requirements for the property registration and fees; establishing appeal process; and process for delinquent fees.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §8-12-16a, to read as follows:

**ARTICLE 12. GENERAL AND SPECIFIC POWERS,
DUTIES AND ALLIED RELATIONS
OF MUNICIPALITIES, GOVERNING
BODIES AND MUNICIPAL OFFICERS
AND EMPLOYEES; SUITS AGAINST
MUNICIPALITIES.**

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SECRETARY OF STATE

§8-12-16a. Registration of uninhabitable property.

1 (a) The governing body of a municipality may, by
2 ordinance, establish a property registration for any real
3 property improved by a structure that is uninhabitable and
4 violates the applicable building code adopted by the
5 municipality. An owner of real property subject to the
6 registration shall be assessed a fee as provided by the
7 ordinance.

8 (b) The mayor of the municipality shall appoint a code
9 enforcement officer to investigate and determine whether real
10 property violates provisions of the applicable building code
11 of the municipality.

12 (c) After inspecting the property, if the officer determines
13 the property is uninhabitable and violates the applicable
14 building code, then:

15 (1) The officer shall post a written notice on the property
16 which shall include:

17 (A) An explanation of the violation(s);

18 (B) A description of the registration;

19 (C) The date the fee will be assessed;

20 (D) An explanation of how to be removed from the
21 registration;

22 (E) An explanation of the appeals process; and

23 (F) A statement that if the fee is not paid, then the
24 property is subject to forfeiture; and

25 (2) Within five business days of the inspection and the
26 posting of the property, the officer shall, by certified mail,
27 send a copy of the notice that was posted to the owner(s) of
28 the property at the last known address according to the
29 county property tax records.

30 (d) Within forty-five days of receipt of the notification by
31 the owner(s), the property owner may:

32 (1) Make and complete any repairs to the property that
33 violate the applicable building code; or

34 (2) Provide written information to the officer showing
35 that repairs are forthcoming in a reasonable period of time.

36 (e) After the repairs are made, the owner may request a
37 reinspection of the property to ensure compliance with the
38 applicable building code. If the officer finds the violations
39 are fixed, the owner is not subject to the registration and no
40 fee will be incurred.

41 (f) The officer may reinspect the property at any time to
42 determine where in the process the repairs fall.

43 (g) Within ninety days of receipt of the notification by the
44 owner(s), the property owner has the right to appeal the
45 decision of the officer to the enforcement agency, created in
46 section sixteen, article twelve of this chapter.

47 (h) If an appeal is not filed within ninety days, the
48 property is registered and the fee is assessed to the owner(s)
49 on the date specified in the notice. The notice of the fee shall
50 be recorded in the office of the clerk of the county
51 commission of the county where the property is located and
52 if different, in the office of the clerk of the county
53 commission of the county where the property is assessed for
54 real property taxes.

55 (i) If the enforcement agency affirms the registration and
56 assessment of the registration fee, the property owner has the
57 right to appeal the decision of the enforcement agency to the
58 circuit court within thirty days of the decision. If the decision
59 is not appealed in a timely manner to the circuit court, then
60 the property is registered and the fee is assessed on the date
61 specified in the notice. The notice of the fee shall be
62 recorded in the office of the clerk of the county commission
63 of the county where the property is located and if different,
64 in the office of the clerk of the county commission of the
65 county where the property is assessed for real property taxes.

66 (j) A fee assessed under this section shall be recorded in
67 the same manner as a lien is recorded in the office of the
68 clerk of the county commission of the county.

69 (k) If the fee is paid, then the municipality shall record a
70 release of the fee in the office of the clerk of the county
71 commission of the county where the property is located and
72 if different, in the office of the clerk of the county
73 commission of the county where the property is assessed for
74 real property taxes.

75 (l) If an owner fails to pay the fee, then the officer shall
76 annually post the written notice on the property and send the
77 written notice to the owner(s) by certified mail.

78 (m) If a registration fee remains delinquent for two years
79 from the date it was placed on record in the clerk of the
80 county commission in which the property is located and
81 assessed, the municipality may take action to receive the
82 subject property by means of forfeiture. Should the
83 municipality take the steps necessary to receive the subject
84 property, the municipality then becomes the owner of record
85 and takes the property subject to all liens and real and
86 personal property taxes.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



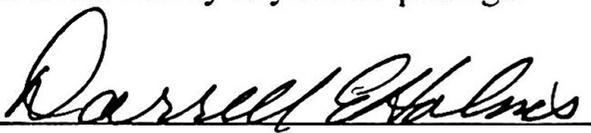
Chairman Senate Committee



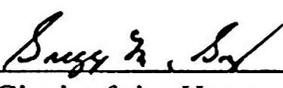
Chairman House Committee

Originating in the House.

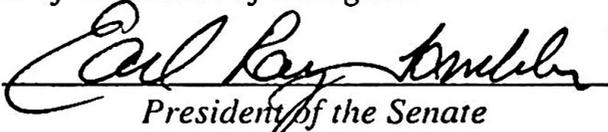
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates

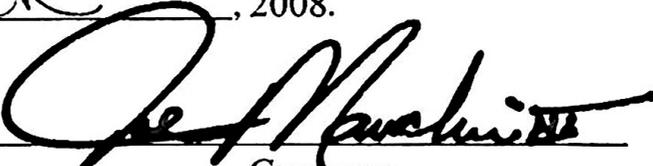


President of the Senate



Speaker of the House of Delegates

The within is approved this the 27th
day of March, 2008.



Governor

PRESENTED TO THE
GOVERNOR

MAR 1 8 2008

Time 9:30am