



CITY ASSESSOR'S OFFICE

City of Lynchburg, Virginia
900 Church Street
Lynchburg, Virginia 24504
(434) 455-3830

OFFICIAL USE ONLY

Application No.

TAX EXEMPTION REHABILITATED/RENOVATED STRUCTURES
[FOR DERELICT HOUSING]
APPLICATION FORM

I hereby request partial exemption from real estate taxes for qualifying property to be rehabilitated/renovated as provided by City Ordinance Section 36-177.1(b-c) of the Lynchburg City Code.

Owner: _____

Property _____

Location: _____

Parcel ID: _____ Neighborhood No.: _____

Year Built: _____ Estimated Cost of Work: _____

Check one: [] Residential (\$125) [] Multifamily (5 units or more) (\$250) [] Commercial or Industrial (\$250)

Applications must be presented in person. Do not mail.

Description of work to be done: _____

[] Copy of Appropriate Building Permit attached.

[] Meets all criteria as outlined on back of form.

City Assessor Approval:

I certify that the statements contained in this application are to the best of my knowledge both correct and true and that I have received a copy of the aforementioned ordinance. I have reviewed and understand the requirements of this program particularly the points outlined on the reverse of this form. I also understand that the application fee is non-refundable regardless of whether the property qualifies for the exemption. I further understand that I must complete the work and notify the Assessor's office within two (2) years of the date of this application or this application will expire and I will not be eligible for the exemption.

Mailing Address: ([] Check if different from billing address) Given under my hand this ___ day of _____, 20 ___

Owner or Agent

Signature(s): _____

Telephone No. _____

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Date of Initial Inspection: _____ Appraiser: _____ Base Value \$ _____

Date of Final Inspection: _____ Appraiser: _____ Rehabilitation Value \$ _____

Permit No.: _____ Amount of Exemption (if qualifying): \$ _____

Date: _____ Exemption effective July 1, _____

Exemption ends June 30, _____

Key Code: MISC

Accounting Code: 1001-0010-150-05050.2090

QC: Parcel ID Verified: _____ Year Built Verified: _____ Building Permit Attached: _____

Neighborhood # Verified: _____ Receipt of payment from Collections: _____ Signed & Dated: _____

Mailing Address Verified: _____

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY ADDING THERETO A NEW SECTION 11-160.1 OF A NEW ARTICLE II(A) OF CHAPTER 11, THE NEW ARTICLE AND SECTION RELATING TO DERELICT BUILDINGS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That the Code of City of Lynchburg, 1981, be and the same is hereby amended and reenacted by adding thereto a new Section 11-160.1 of a new Article II(A) of Chapter 11 as follows:

ARTICLE II(A). DERELICT BUILDINGS

Sec. 11-160.1. Buildings declared to be derelict.

(a) The owners of property in the City shall, at such time or times as the City Council may prescribe, submit a plan to demolish or renovate any building that has been declared a derelict building. For purposes of this section, "derelict building" shall mean a residential or nonresidential building or structure, whether or not construction has been completed, that might endanger the public's health, safety, or welfare and for a continuous period in excess of twelve (12) months, it has been (i) vacant, (ii) boarded up or otherwise secured in accordance with the building code, and (iii) not lawfully connected to electric, water, or sewer service from a utility service provider.

(b) If a building qualifies as a derelict building, the City shall notify the owner of the derelict building that the owner is required to submit to the City a plan, within ninety (90) days, to demolish or renovate the building to address the items that endanger the public's health, safety, or welfare as listed in the written notification provided by the City. Such plan shall be on a form provided by the City and shall include a proposed time within which the plan will be commenced and completed. The plan shall be subject to approval by the City. The plan may include one or more adjacent properties of the owner, whether or not all of such properties may have been declared derelict buildings. The City shall deliver the written notice to the address listed on the real estate tax assessment records of the City. Written notice sent by first-class mail, with the City obtaining a U.S. Postal Service Certificate of Mailing shall constitute delivery pursuant to this subsection.

(c) If the City delivers written notice and the owner of the derelict building has not submitted a plan to the City within ninety (90) days as provided in subsection b of this section, the City may exercise such remedies as provided in this section or as otherwise provided by law; for residential property, such remedy may include imposition of a civil penalty of \$500 per month until such time as the owner has submitted a plan in accordance with this section, however, the total civil penalty imposed shall not exceed the cost to demolish the derelict building. Any such civil penalty shall be paid to the City and deposited into the General Fund.

(d) The owner of a building may apply to the City and request that such building be declared a derelict building for purposes of this section.

(e) The City, upon receipt of the plan to demolish or renovate the building, at the owner's request, shall meet with the owner submitting the plan and provide information to the owner on the land use and permitting requirements for demolition or renovation.

(f) If the owner's plan is to demolish the derelict building, and such plan is approved by the city, the building permit application of such owner shall be expedited. If the owner has completed the demolition within ninety (90) days of the date of the building permit issuance, the City shall refund any building and demolition permit fees paid by the owner in relation thereto. This section shall not supersede any ordinance adopted relative to historic districts in the City.

(g) If the owner's plan is to renovate the derelict building, and no rezoning is required for the owner's intended use of the property, and such plan is approved by the City, the site plan or subdivision application and the building permit, as applicable, shall be expedited. The site plan or subdivision fees may be refunded by the City, all or in part, but in no event shall the site plan or subdivision fees exceed the lesser of fifty (50) percent of the standard fees established for site plan or subdivision applications for the proposed use of the property, or \$5,000 per property. The building permit fees may be refunded, all or in part, but in no event shall the building permit fees exceed the lesser of fifty (50) percent of the standard fees established by the ordinance for building permit applications for the proposed use of the property, or \$5,000 per property.

(h) Prior to the commencement of a plan to demolish or renovate the derelict building, at the request of the owner, the real estate assessor shall make an assessment of the property in its current derelict condition. On the building permit application, the owner shall declare the costs of demolition, or the costs of materials and labor to complete the renovation. At the request of the owner, after demolition or renovation of the derelict building, the real estate assessor shall reflect the fair market value of the demolition costs or the fair market value of the renovation improvements, and reflect such value in the real estate tax assessment records. The real estate tax on an amount equal to the costs of demolition or an amount equal to the increase in the fair market value of the renovations shall be abated in accordance with the provisions of Article IV of Chapter 36 of the Lynchburg City Code or fifteen (15) years, whichever is greater, and is transferrable with the property. However, the abatement provisions described herein shall not apply if the structure demolished is a registered Virginia landmark or is determined by the Virginia Department of Historic Resources to contribute to the significance of a registered historic district.

(i) Notwithstanding the provisions of this section, the City may proceed to make repairs and secure the building pursuant to Article II of Chapter 11 of the Lynchburg City Code, or the City may proceed to abate or remove a nuisance pursuant to Article I of Chapter 26 of the Lynchburg City Code. In addition, the City may exercise such remedies as may exist under the building code and such other remedies available under general and special law.

(j) Appeal Process

City Manager Appeal

- (1) In the event the owner disagrees with the decision made by the City pursuant to subsection (b) of this section, then the owner may appeal the decision to the City Manager.
- (2) The appeal must be requested by way of the owner delivering a written Notice of Appeal to the City Manager within seven (7) days of the delivery of the notice described in subsection (b) of this section; otherwise such right of appeal shall be deemed waived. Unless otherwise agreed by the City Manager (or his designee) and the owner, the appeal shall be heard by the City Manager (or his designee) within thirty (30) days of the delivery of the said written Notice of Appeal.
- (3) The appeal shall be an informal administrative proceeding. The owner and the City shall both have the opportunity to present pertinent information and to question witnesses, but no rules of evidence shall apply.
- (4) If, after hearing the pertinent information presented, the City Manager (or his designee) finds that the decision made by the City was in accordance with the applicable requirements of this section, then within thirty (30) days of the date of such hearing, the City Manager (or his designee) shall provide a written decision to the owner affirming the City's initial decision; otherwise, within thirty (30) days of the date of such hearing, the City Manager (or his designee) shall provide a written decision to the owner vacating and dismissing the City's initial decision. The decision shall be sent to the owner by first-class mail, with the City obtaining a U.S. Postal Service Certificate of Mailing.

Circuit Court Appeal

- (1) In the event the owner disagrees with the decision made by the City Manager (or his designee) on appeal, then the owner may further appeal the decision of the City Manager (or his designee) to the Circuit Court for the City of Lynchburg, Virginia.
- (2) An appeal made pursuant to this subsection must be perfected by the owner filing a written Notice of Appeal with the Clerk's Office of the Circuit Court for the City of Lynchburg, Virginia. The Notice of Appeal shall be filed within thirty (30) days of the decision of the City Manager or his designee being sent to the owner by first-class mail, with the City obtaining a U.S. Postal Service Certificate of Mailing. The Notice of Appeal shall contain facts and documentation which support the basis for the owner's appeal. A copy of the Notice of Appeal, including any attachments, shall be provided by the owner to the City Manager on or before the date of the filing with the said Clerk's Office. Failure to perfect the appeal as provided herein shall constitute a waiver of the appeal right described hereunder. Unless otherwise agreed by the owner and the City Manager (or his designee), a hearing on the Notice of Appeal shall be held by the Circuit Court within one hundred and twenty (120) days of the date the Notice of Appeal was filed.
- (3) The owner and the City shall both have the opportunity to present evidence and question witnesses at such hearing, however, the owner shall bear the burden of proving by a preponderance of the evidence that the City Manager (or his designee) arbitrarily and capriciously affirmed the City's initial decision.
- (4) If, after hearing the evidence presented, the Circuit Court finds the City Manager (or his designee) made their decision by relying on the facts presented and the applicable requirements of this section, then the Circuit Court will affirm the decision of the City Manager (or his designee).
- (5) If, after hearing the evidence presented, the Circuit Court finds the City Manager (or his designee) arbitrarily and capriciously affirmed the initial decision of the City, then the City's and the City Manager's (or his designee's) decision will be vacated and dismissed by the Circuit Court.

Secs. 11-160.2 – 11-160.10. Reserved.

2. That this Ordinance shall become effective upon its adoption.

Adopted: June 28, 2022

Certified:


Clerk of Council