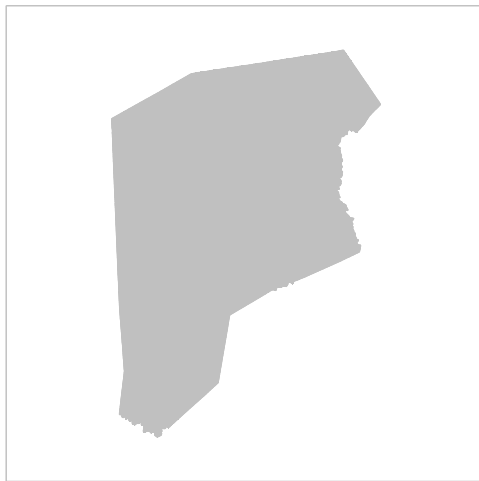


**Putnam County  
Dilapidated and Abandoned  
Enforcement Agency  
(DAEA)**

**A Citizen's Guide**



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## **PUTNAM COUNTY DILAPIDATED AND ABANDONED ENFORCEMENT AGENCY**

### **What is the Dilapidated and Abandoned Enforcement Agency (DAEA)?**

The Dilapidated and Abandoned Enforcement Agency (or Agency, for short) carries out the provisions of West Virginia State Code §7-1-3ff. The Agency was established by the Putnam County Commission in March 2000 and has the authority to require property owners to remove hazardous conditions from dilapidated and abandoned properties. Specifically, the Agency investigates written complaints to determine if an unoccupied structure or property:

- Is unfit for human habitation due to dilapidation,
- Has defects that increase the hazard of fire, accidents or other calamities,
- Lacks ventilation, light or sanitary facilities, and/or
- Any other conditions prevailing in the dwelling or building, whether used for human habitation or not, and whether the result of natural or manmade forces or effect, which would cause such dwelling or other building to be unsafe, unsanitary, dangerous or detrimental to the public safety or welfare.

### **Who serves on the Agency?**

The Putnam County Commission appoints five members to the Agency. Three of the members are determined by State Code (the County Engineer, a County Health Department Officer and a Fire Department Officer) and two members are citizens from the community selected by the County Commission. In addition, State Code also requires that the Sheriff serve as an ex-officio member of the Agency. The Putnam County Office of Planning and Infrastructure serves as staff to the Agency.

### **What does the Agency do?**

The Agency is charged with the responsibility of requiring the clearance of refuse or debris consisting of remnants of any unused or unoccupied dwelling, non-farm building, structure or manmade structure on private land that has accumulated as the result of any natural or manmade force or effect which presents a safety or health hazard or which has deteriorated to such a degree as to be a safety or health issue.

### **How does the Agency handle an investigation or a complaint of an unsafe property?**

Once a written complaint is filed with the planning office, staff conducts an inspection of the property to verify that a property potentially meets the criteria established in State law. Staff then notifies the property owner of the written complaint, providing the owner an opportunity to clear the property of the identified hazards prior to an advertised public hearing. If the property owner fails to respond, or fails to clear the property within the agreed upon time frame a public hearing is scheduled before the Agency.

### **What happens at the Agency public hearing?**

At the public hearing, a property owner is requested to be present either in person or by a representative. All hearings are open to the public. The following procedure is standard in handling a case before the Agency:

- The property owner or representative is asked to step forward and state his/her name and address for the record.
- The property owner has the opportunity to provide witnesses who may testify and offer evidence on behalf of the property owner.
- The Agency then makes a finding that either (a) the property meets the criteria established by State law or (b) the property does not meet the criteria and the Agency has no jurisdiction in the matter.

If the Agency determines that the property does meet the criteria established by State law, it will require the property owner to provide within 30 days a plan as to how the property owner will remove all hazards from the property. If the property owner complies with the Agency's findings and removes all hazards, the Agency approves the work and closes the case.

### **What happens if the property owner fails to comply with the Agency's order?**

If the property owner fails to remove all hazards from the property within the required time frame, the Agency will file a formal Complaint with the Putnam County Commission. The Commission will notify the property owner and provide a final opportunity for a public hearing before the Commission.

If the property owner does not request a public hearing before the Commission, the Commission may order the property owner to comply with the recommendations in the Complaint.

If the property owner requests a public hearing before the Commission, a hearing is scheduled within 20 days. At the hearing, both sides may put on evidence and call and cross-examine witnesses. The Agency has the burden of proving an allegation by a preponderance of the evidence and has the duty to go forward with the evidence.

At the conclusion of the public hearing the Commission shall make a findings of fact, determination and conclusions of law as to whether the property meets the criteria established by State law. The property owner must comply with any Commission order. If the property owner fails to comply, the owner shall be subject to a fine for each day over the permitted time limit that the property owner is not in compliance with the order.

Also, if the property owner fails to comply with the order, the Commission may use private contractors to bring the property into compliance with the order. The Commission may authorize the contractor to enter the land and bring the land into compliance with law.

The property owner is then billed for all costs to carry out the demolition of buildings, removal of hazardous conditions, etc. performed by the County. If the property owner refuses to pay, a lien may be placed against the property. The lien will be removed from the property when the costs are repaid to the County.

Every decision of the Agency may be appealed to Putnam County Circuit Court.

### **When does the Agency meet?**

The Agency meets quarterly on the third Wednesday of January, April, July, and October at 10:00 a.m. in the old courtroom, room 202, on the second floor of the Putnam County Courthouse, Winfield, WV. For more information about the Agency, filing a written complaint, meeting schedule changes, or to learn the date of a public hearing, call 586-0237.