



Office of the Town Manager
Frank Cassidy

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STAFF REPORT

Council Meeting Date:	November 12 th , 2025.
Agenda Title:	Review of Property Management Cases
Requested Action:	Receive the Information
Department / Agency Lead:	Legal/ Town Attorney
Staff Lead:	Mr. Patrick Corish

EXECUTIVE SUMMARY

The Town of Warrenton has several Building Code cases pending before the General District Court and Circuit Court of Fauquier County for properties currently in violation of the Town of Warrenton's Building Code. Trial has been set for two actions in the General District Court are set for Dec. 11 and Jan. 9, respectively. Circuit Court hearings have been set to January 16, 2025, matters concerning 3 Hotel Street and 92 Winchester Street. A final order has been entered against the Defendant in the 45 Winchester Street matter, allowing the Town to engage in remedial work.

BACKGROUND

The Virginia Building Code covers all building code violations that are not recognized within a specified time period to be a misdemeanor with a civil penalty of no more than \$2,500 per violation. Two matters are before the General District Court, for (1) 145 Main St. and (2) 151 Main Street seeking \$4,000 in each action listing several violations. The Town has been attempting to work with the property owners in order to have them come into compliance without going to court. Trials for these matters are set for December 11, 2025 and January 9, 2026 respectively. The actions will be voluntarily dismissed in the case where compliance is achieved before the trial.

In the cases involving 3 Hotel Street and 92 Winchester St., availability of counsel for a motions hearing on a Friday (the Fauquier Court's motions hearing days) have settled on January 16, 2025 for the scheduling of a trial for the case of 92 Winchester St. This will be coupled with a motion for summary judgment for 3 Hotel Street associated with a settlement agreement incorporated into a motion to stay – the terms being, where the property owner has not complied with a set schedule to remediate the violations, the Court can grant the remedies agreed to in the agreement.

Milestones have been missed by the property owner, and the Town has grounds to obtain all remedies prayed for in its complaint.

With the 45 Winchester matter, the Town is to conduct remedial work after the final order leave the jurisdiction of the Court – on November 14, 2025.

STAFF RECOMMENDATION

Receive the information.

Service Level/Collaborative Impact

These cases combine the efforts of the Legal Team and the Community Development Department.

Policy Direction/Warrenton Plan 2040

Enforcement of the Town Code and property maintenance standards is a component of Governance.

Fiscal Impact

Fiscal Impact analysis has not yet been created.

Legal Impact

In the case of 45 Winchester St., 3 Hotel Street, and 92 Winchester Street the remedy prayed for is an order granting relief under Va. Code 15.2-1115. This allows for the Town to “abate or obviate” the violations and “charge and collect the cost thereof from the owner or owners, occupant or occupants of the property affected in any manner provided by law for the collection of state or local taxes.” This would be collected as a property tax, and would have to go through the normal real property tax procedures the Town engages every year.

Such collections would be after the abatement, and not before, so the Town will have to repair the property and accrue a cost prior to subjecting the owner to a tax. The Town will have to go through a ordinary procurement process to keep costs at a reasonable level and within the requirements under the Public Procurement Act.

ATTACHMENTS

N/A