Tools to Prevent Blighted Properties

BUCKS COUNTY WEBINAR

APRIL 10, 2024

Session Objectives

- Share information on the status of a comprehensive blighted property strategy for Bucks County.
- Provide a quick update about the updated definition of blighted properties under state law.
- Share information about strategies for *preventing* blight.
- Begin a discussion about whether these strategies make sense for Bucks County municipalities.

Status of County Blighted Property Strategy

- ***Phase 1*** **was completed in January: Assessing the Nature and Extent of Blighted Properties in Bucks County.**
- ***Phase 2*** **will process the data from Phase I with the goal of developing a *County Strategy to Address and Repurpose Blighted Properties.***

Updated Definition of Blighted Properties *Act 79 of 2019*

The updated uniform definition supersedes the definition of blight for all statutes enacted after September 1, 1937, which would include the definition of blight in the Urban Redevelopment Law (enacted in 1945).

***Exception: Unless the Context Clearly Indicates Otherwise**

See material at end of presentation for details.

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Strategies for Preventing Blighted Properties

Strategies for Preventing Blighted Properties

Key Point: **Municipalities Must Do Their Part!**

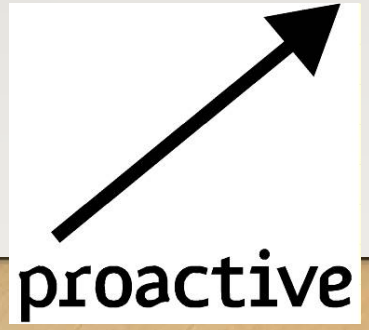
Municipalities need to take primary responsibility for implementing prevention strategies; arguably, this is the most cost-effective approach for addressing blight in your municipality.

Strategies for Preventing Blighted Properties

If you are participating in this webinar we will ask you to complete a brief on-line survey following the webinar to tell us whether the strategies discussed today may make sense for your municipality and if you would like more information about any of the strategies.

Strategies for Preventing Blighted Properties

- ***Adopt and Enforce*** **a Property Maintenance Code.**
- ***Stop*** **the sale of properties at tax sales to owners that have code violations, or delinquent taxes or utilities.**
- ***Consider*** **adopting a Ticketing Ordinance.**
- ***Require*** **Pre-Sale Inspections to put buyers on notice about code violations that will need to be addressed.**



Strategies for Preventing Blighted Properties

- ***Educate Stakeholders*** **(landlords, homeowners, tenants) about the *Property Maintenance Code*.**
- ***Provide Supportive Programs*** **to help more vulnerable populations comply.**
- ***Implement Rental Housing Licensing*** **to gather Information about landlord addresses, insurance, and local responsible agents.**
- ***Develop an Early Warning System*** **to identify negative trends.**

Strategies for Preventing Blighted Properties

Adopt and Enforce a Property Maintenance Code

- **Adopt *The International Property Maintenance Code,* or one that is "right-sized" for your municipality**
- **If you are a smaller municipality with limited resources you may want to adopt a "lite version" of a property maintenance code that you can enforce more easily.**

Strategies for Preventing Blighted Properties

Adopt and Enforce a Property Maintenance Code (cont.)

Consider adopting a customized, or "right-sized" ordinance that deals with the big stuff:

- **Abandoned Vehicles**
- **Health and Safety Issues**
- **Exterior Issues Focus, such as conditions visible from the street, including junk in the yard**

******Sample Ordinance Available******

Strategies for Preventing Blighted Properties

Adopt and Enforce a Property Maintenance Code (cont.)

- **It is imperative that you take enforcement actions beyond a warning letter to the owner.**
- ***Several tools that are available to municipalities to <u>remediate</u> long-term blighted properties require that the municipality obtain one or multiple convictions before the MDJ.***

Strategies for Preventing Blighted Properties

Adopt and Enforce a Property Maintenance Code (cont.)

Training Opportunities through State Associations, such as these webinars offered by the PA Association of Boroughs:

- ✓ ***Municipal Code Enforcement Tips and Tricks*** **Wednesday, July 10, 2024 12:00-1:00pm: $45 member/$80 non-member**
- ✓ ***Working with District Judges*** **Wednesday, July 17, 2024 12:00-1:00pm: $45 member/$80 non-member/CLE $5**

https://boroughs.org/subpage.php?link=Training%20Schedules%20and%20Course%20Materials

Question

If you have a property maintenance code, do you have the resources to consistently enforce your property maintenance code?

Yes

No

Not sure

Please indicate your response in the chat box.

Strategies for Preventing Blighted Properties

Stop the Sale of Properties at Tax Sales to Buyers who are Bad Actors

State Laws 72 PS 619 and 72 PS 601(d) **allow municipalities to disqualify certain buyers at tax sales, including owners:**

- ✓ **With Adjudicated Code Violations**
- ✓ **Who are Tax Delinquent**
- ✓ **With Delinquent Public and Water Sewer Bills**
- ✓ **With Revoked Rental Housing Licenses**

Strategies for Preventing Blighted Properties

Stop the Sale of Properties at Tax Sales to Buyers who are Bad Actors (cont.)

- ***A 2021 state law requires that County Tax Claim Bureaus require bidders to preregister.***
- ***A copy of the preregistration list is to be sent to municipalities in advance of the sale.***

Prevention Strategies

Stop the Sale of Properties at Tax Sales to Buyers who are Bad Actors (cont.)

- ***Under state law, municipalities may challenge any prospective bidder within 15 days before or after the tax sale.***
- ***The bidder signs an affidavit that self-certifies that they are in good standing. Municipalities are in the best position to determine if the bidder has not been truthful about prior code convictions, unpaid sewer and water bills, revoked rental housing licenses, etc.***

Prevention Strategies

Stop the Sale of Properties at Tax Sales to Buyers who are Bad Actors (cont.)

- ***The Bucks County Tax Claim Bureau recently changed its policy to end the registration period at 20 days prior to the sale to give municipalities more time to challenge bad actors.***
- ***Following the sale the Tax Claim Bureau will now post the successful bidder on the website.***

Question

Do you know who receives the pre-registration list of bidders in your municipality for delinquent tax sales?

Yes

No

Unsure

Please indicate your response in the chat box

Prevention Strategies

Consider Adopting a Ticketing Ordinance

- **Resolves Issues at an Early Stage**
- **Provides Warning First, then ticketing much like a parking violation**

Prevention Strategies

Consider Adopting a Ticketing Ordinance (cont.)

- Can resolve issue without the need to issue a citation and file before the District Justice
- Since these are fines, the municipality may use any revenue generated from ticketing for municipal operations.
- If owner is not responsive to ticket, will need to file code citation

******Sample Ordinance Available******

Question

If you have not enacted a ticketing ordinance do you think a ticketing ordinance for code violations may make sense for your municipality?

Yes

No

Unsure

Please indicate your response in the chat box

Prevention Strategies

Require Pre-Sale Inspections to put Buyers On Notice about Code Violations Which Need to be Addressed

- **Can be performed by third party inspectors with fee charged to sellers**
- **Puts buyers on notice; many municipalities require that the issues be resolved by the seller prior to sale**

Question

Has your municipality enacted a pre-sale inspection ordinance?

Yes

No

Unsure

Please indicate your response in the chat box

Prevention Strategies

Educate Stakeholders (Landlords, Home-owners, Tenants) about The Property Maintenance Code and Availability of County Programs for Housing Rehabilitation

- **Establish regular communication with owners, (newsletter, information in sewer/water bills, etc.), explaining what is in the *Property Maintenance Code*.**
- **Use the website to communicate information and to recognize owners that have done a good job.**
- **Consider sending out letters of commendation.**
- **Include contact information for county owner-occupied housing rehabilitation programs.**

Question

Has your municipality referred homeowners to the County's housing rehabilitation programs?

Yes

No

Unsure

Please indicate your response in the chat box

Prevention Strategies

Provide Supportive Programs to Help More Vulnerable Populations Comply

- **Arrange Good Samaritan Clean-Ups/Fix-Ups**
- **Utilize Regular Community Clean-Up Days/Curbside Pickups**
- **Approach Local Businesses About Donating Supplies**

Question

Has your municipality put programs into place to deal with more vulnerable households?

Yes

No

Unsure

Please indicate your response in the chat box

Prevention Strategies

Implement Rental Housing Licensing to Gather Information about Landlord Addresses, Insurance, and Local Responsible Agents.

- **A municipality can implement rental housing licensing only; it does not need to conduct rental housing inspections.**
- **A 3rd party inspector can be engaged to handle the licensing and inspections, for a fee to be paid by the landlord.**
- **Rental Housing Licensing provides information you need for service of code citations, etc.**

*****Sample Ordinance Available*****

Question

Do you have an interest in enacting a rental housing licensing or inspection ordinance if you do not have one in place?

Yes

No

Unsure

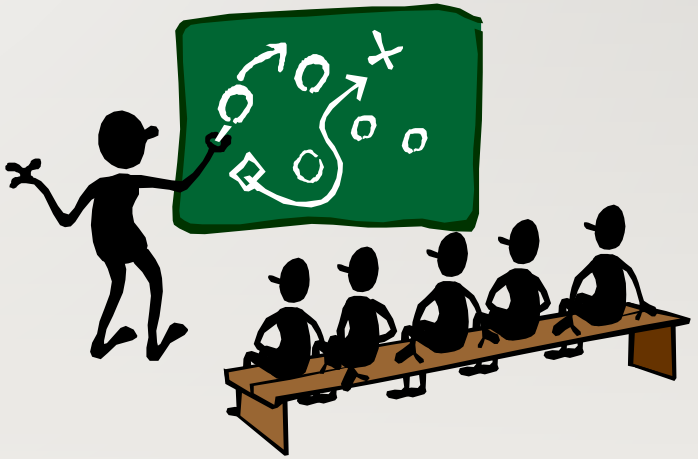
Please indicate your response in the chat box

Prevention Strategies

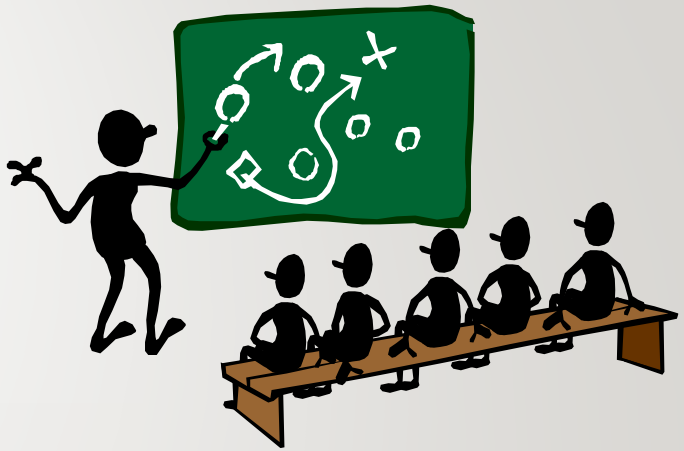
Develop an Early Warning System to Identify Negative Trends

Trends to Watch = Significant Increase in:

- **Number of Rental Units**
- **Number of Warning Letters/Citations**
- **Crime in Neighborhood**
- **Absentee Owners**
- **Vacant Properties**



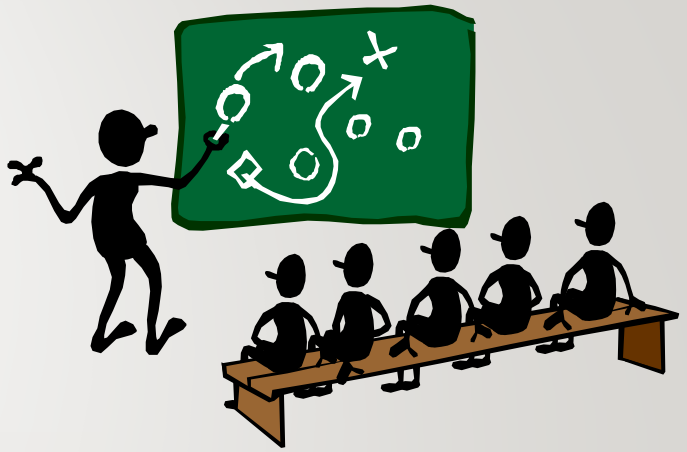
Prevention Strategies



Develop an Early Warning System to Identify Negative Trends (cont.)

- If the data indicates an emerging problem in a particular area, consider quarterly sweeps of that neighborhood to identify problems at an early stage.
- The Municipality should begin monitoring closely any suspected long-term vacant units.

Question



Does your municipality monitor data such as an increase in vacant units or code citations in a defined area?

Yes

No

Unsure

Please indicate your response in the chat box

Survey Monkey Poll Questions

We are asking you to respond to additional questions in the following survey monkey poll that is available at the following link.

https://www.surveymonkey.com/r/Blightfollowup

You should need no more than ten minutes to respond to these questions. Your response is important to us in gauging your interest in some of the tools to prevent blight discussed in this presentation.

Questions?

Contact Information

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THE GULOTTA GROUP

Updated Definition of Blighted Properties *Act 79 of 2019*

"Blighted property." The term includes:

(1) A premises:

(i) ascertained to be a public nuisance due to physical condition or use and regarded as such at common law and deemed to be a danger to public health, safety and welfare or public nuisance as regulated by a locally adopted property maintenance code or, if no such code exists, any compatible code enacted by the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act; or

(ii) the condition of which contains an attractive nuisance created by physical condition, use or occupancy, including abandoned water wells, shafts, basements, excavations and unsafe fences or other structures, or which contains an unauthorized entry, unsafe equipment or other safety risk.

Updated Definition of Blighted Properties *Act 79 of 2019*

"Blighted property." The term includes (cont.):

(2) A dwelling that has been condemned or otherwise deemed unfit for occupancy or use by the local authority having jurisdiction due to dilapidated, unsanitary, unsafe or vermin-infested condition or that is lacking in the facilities and equipment as required by the Pennsylvania Construction Code Act.

(3) A structure determined by the local authority having jurisdiction to be a fire hazard or otherwise that could easily catch fire or cause a fire and endanger public health, safety and welfare.

Updated Definition of Blighted Properties *Act 79 of 2019*

"Blighted property." The term includes (cont.):

(4) A vacant or unimproved lot or parcel of ground located in a predominantly developed neighborhood that has become a place for the accumulation of trash and debris or a haven for rodents and other vermin by reason of neglect or lack of maintenance.

(5) A property that is vacant and has not been rehabilitated within one year from receipt of notice for corrective action as issued by the local authority having jurisdiction, except a property where a valid construction permit is in place.

(6) A vacant or unimproved lot or parcel of ground that is subject to a municipal lien for the cost of demolition of a structure previously located on the property and for which no payments on the lien have been made for a period of 12 months.

Updated Definition of Blighted Properties *Act 79 of 2019*

"Blighted property." The term includes (cont.):

(7) A vacant or unimproved lot or parcel of ground on which the total municipal liens for delinquent real estate and property tax or any other type of municipal claim are greater than 150% of the fair market value of the property as established by the board of assessment appeals or other body with legal authority to determine the taxable value of the property.

(8) A property that has been declared abandoned in writing by the owner, including an estate that is in possession of the property.