

TACKLING BLIGHT IN YOUR COMMUNITY

BASIC TECHNIQUES FOR REMEDIATING BLIGHTED PROPERTIES IN CRAWFORD COUNTY





INTRODUCTION

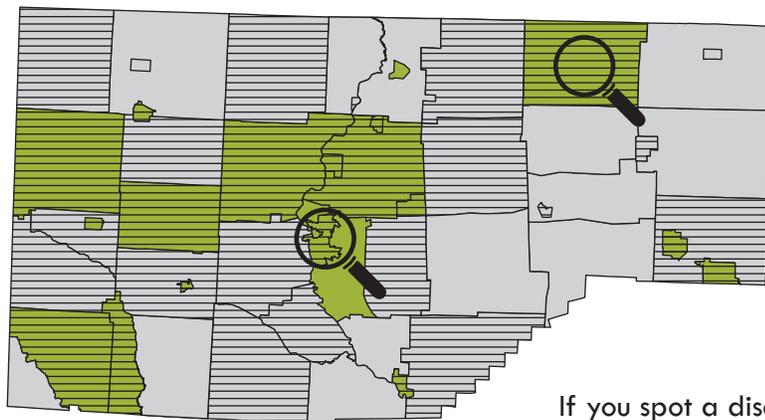
This resource aims to provide citizens and municipal officials with basic guidance for addressing blighted conditions within their communities. This resource was developed by the Crawford County Planning Office and borrows heavily from “Blight to Bright – A Comprehensive Toolkit for Pennsylvania, Housing Alliance of Pennsylvania” (see <http://www.pablightlibrary.com/guides-to-combat-blight> for resource).

SET UP A LEGAL FRAMEWORK FOR TACKLING BLIGHT

To begin tackling blight, your municipality must establish the legal basis upon which it may act to address blighted properties. Fortunately, the Commonwealth provides numerous channels for municipalities to establish a legal framework fitting their unique circumstances. One example is to adopt a Property Maintenance Code, which sets minimum requirements for the upkeep of structures and yards. Property Maintenance Codes are a popular option as a municipality can adopt a modified or streamlined version of the International Property Maintenance Code to match their local preferences. For municipalities interested in taking a different approach, there are other ordinances that can be enacted to protect public health, safety, and welfare by setting clear standards for property owners. Below is a list of some ordinances that municipalities can enact to establish a legal framework for addressing blight.

- Property Maintenance Code – requires property owners to maintain their buildings and premises to specific standards.
- Quality of Life Ticketing – enables municipalities with property maintenance codes to issue tickets and fines requiring immediate payment for visible code violations.
- Junk Ordinance – prohibits property owners from the improper storage of rubbish and debris, automobiles, and the use of property in a manner that interferes with neighbors.
- Rental Licensing Ordinance – requires the owners of rental properties to register their properties with the municipality and comply with a set inspection schedule.
- General Nuisance Ordinance – prohibits public nuisances when it can be established that such a nuisance does, in fact, exist. Includes nuisances that may result from the use or condition of property.
- Other Ordinances – other options exist to address blighted conditions such as refuse or sidewalk codes.

EXISTING CODES & ORDINANCES IN CRAWFORD COUNTY



-  Property Maintenance Code
-  Junk Ordinance
-  See Feature on Next Page

If you spot a discrepancy on this graphic, please contact the Crawford County Planning Office and let us know.



Bloomfield Township

Bloomfield Township enacted a property maintenance code in 2009. Since then, the Township has enforced hundreds of violations including the demolition of 58 severely blighted structures. Despite conducting these demolitions, the Township's tax base has increased.



Meadville City

The City of Meadville tackles blight through a series of regulations. The City's property maintenance code has been enforced to address blighted properties while supplemental approaches such as their simple nuisance and sidewalk upkeep ordinances have equipped their community with its own unique toolkit for addressing the spread of blight.



TAKING ACTION

IMPLEMENTING AND ENFORCING YOUR BLIGHT FRAMEWORK

Enforcement Basics

When enforcing your ordinance(s), documentation and the careful adherence to procedural requirements are critical. In general, any claim of a violation your municipality brings against a property owner must be clearly reported and documented. Additionally, carrying out all procedural steps within your ordinance will protect your municipality from liability as courts expect that code enforcement agents allow property owners ample opportunity to be informed of their rights. Some best practices for enforcing your ordinance(s) to address blight include:

- Make a case file for each property in potential violation of the ordinance. Keep records in both hard copy and electronic formats.
- Take pictures of the potential violation.
 - Pictures can be taken from the public right-of-way (including public sidewalks).
 - Sometimes neighboring property owners may grant you permission to enter their property in order to take pictures of adjacent potential violations.
 - Avoid getting people in the photos as doing so may be a privacy issue.
 - Use technology that places a timestamp on each photo.
 - Video footage may be necessary for documenting some types of violations such as discharges onto adjacent lands. However, consult with your solicitor first before recording video.
- Always document communication in writing with those potentially in violation of the code. If communication does occur by phone, keep a detailed phone call log or attempt to print your phone's call log.

Written Notices – Best Practices for Developing Written Notices of Violation Include:

- Must be in writing, sent by registered mail, and follow all mailing requirements.
- When providing a notice of violation, include as much information as you can to help the property owner understand the violation and what is necessary to come into compliance.

- Be absolutely sure to describe all procedural and appeals steps as required by law. Basic notice of violation requirements often include, but may not be limited to, a description of the subject property, a statement of the violation and reason for notice, a correction order and time period for gaining compliance, information on the right to appeal, and a statement on the municipality's right to take action and recover costs. Courts are highly sensitive to ensuring that individuals understand their rights.

If It Goes to Court – Advice for Dealing with Non-Compliant Property Owners

- Be prepared for your hearing and present your case such that the judge will find it easy to agree.
- Do not bring a minuscule violation before the judge (such as 11-inch high grass when the regulation places the limit at 10 inches) as doing so will damage your reputation with the courts.
- Make sure the judge has a copy of your ordinance by including one with your citation filed with the court.

Sometimes Demolition is the Only Answer

In some cases, the only feasible way to correct for a code violation may be to demolish the property. If the property owner does not take action to comply by demolishing the property on their own, the municipality will have to take action to condemn and demolish the property and attempt to recover its expenses through a demolition lien. Municipalities that have established the appropriate legal framework, such as a property maintenance code, can use demolition liens to recover their expenses. Although Pennsylvania courts have ruled that demolition liens run with the property, it is easily possible that a property encumbered by a demolition lien could traverse through the tax foreclosure process and have said lien released prior to a judicial sale. Such event will leave the municipality unable to recover their demolition cost through their previous lien. Despite this possibility, addressing blight costs money, and it always makes sense to lien the property subject to municipal demolition actions in an attempt to recover your expenses.

To demolish severely blighted properties, municipalities need either a property maintenance code or a set of ordinances that (1) clearly establish the right to demolish a property that is unsafe or unhealthy and (2) authorizes the imposition of a lien to recover costs. When multiple residential properties are demolished at the same time, EPA considers such work to be an urban renewal project and an asbestos survey is required (see Pennsylvania Department of Environment Protection – <https://www.dep.pa.gov/Business/Air/BAQ/BusinessTopics/Pages/Asbestos.aspx> and the United States Environmental Protection Agency – <https://www.epa.gov/stationary-sources-air-pollution/asbestos-national-emission-standards-hazardous-air-pollutants>).

Be Creative and Consider Opportunities to Involve the Community

In some cases, for more secluded properties that have been determined to be blighted beyond repair, demolition work can be incorporated into training exercises for volunteer fire departments. Doing so presents a great opportunity to leverage community resources while significantly reducing the demolition cost carried by the property owner. Often, expenses can be reduced to sorting, material removal, environmental filings, and a donation to the local fire department.

WORKING WITH THE PROPERTY OWNER

Communicate and Be Reasonably Flexible

Local municipalities have gained compliance by communicating with property owners about the nature of code violations. This has been useful for getting people to understand that the municipality is seeking compliance with its codes rather than merely seeking to collect fines. In some cases, extensions of time for coming into compliance with the code are granted to provide reasonable flexibility.

Be Proactive

Some municipalities use “nice” letters that simply serve to let the property owner know about the code and their compliance issues. Such letters merely serve to provide a warning to the property owner and are documented but not used as part of legal enforcement procedures. Such practice has been successful in some communities for gaining compliance without instigating formal enforcement procedures and actions.

Stay Committed and Build a Culture of Compliance

Working diligently with all property owners over time to understand the municipality’s expectations and mission can ultimately build a culture of compliance within a community. Property owners will take property maintenance more seriously when they see that they are all being held accountable and that others are putting in the effort to maintain their buildings and grounds.

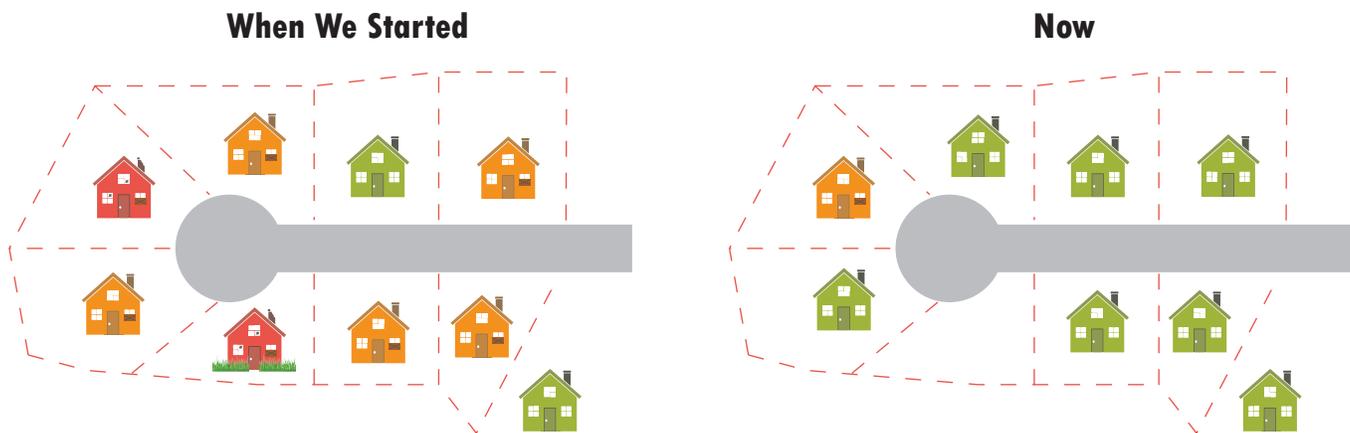
“... it is important to educate property owners about their contributions to clean, safe, attractive communities and to ensure that no properties fail to satisfy code because the owners do not know what is expected of them. Municipalities can achieve better-maintained properties by giving all owners the knowledge they need to bring their properties into compliance with the laws.”

From Blight to Bright – A Comprehensive Toolkit for Pennsylvania, Housing Alliance of Pennsylvania – July, 2014.

There Will be Critics, At First:

Some skeptics may suggest that demolishing blighted properties will actually harm the community by reducing its property tax base. This has been consistently found to not be true. Many municipalities throughout the Commonwealth have seen their property tax bases either stabilize or improve with the implementation of blight remediation efforts. Within Crawford County, since enacting a property maintenance code in 2009, Bloomfield Township still witnessed its tax base increase overall despite demolishing around 60 severely blighted properties.

IMPROVEMENT TAKES CONSISTENT EFFORT AND TIME



OPTIONS FOR WHEN OWNERSHIP IS UNCLEAR OR MORE SUBSTANTIAL EFFORTS ARE NEEDED

In cases where determining ownership of a blighted property is uncertain or the owner refuses to comply with other property code enforcement efforts, more substantial interventions may have to be applied. Pennsylvania enables municipalities to take actions that allow communities to address the most severe cases of blight. Such actions begin with establishing a legal case for determining that a property is blighted. The following table showcases the legal criteria for establishing blight based on three different, but routine, Pennsylvania laws.

Legal Criteria for Determining Blight	For Eminent Domain: 26 Pa C.S. § 205 (b)	For the Abandoned and Blighted Property Conservatorship Act: Act of Nov. 26, 2008, P.L. 1672, No. 135 § 5 (d) (5)	For Pennsylvania's Urban Redevelopment Law: Act of May. 24, 1945, P.L. 991, No. 385 § 12.1 (C)
The building or physical structure has been determined to be a public nuisance.			
The property is an attractive nuisance to children.			
The building is unfit for human habitation, occupancy or use.			
A structure which is a fire hazard or dangerous to the safety of persons or property.			
Essential utilities have been disconnected/destroyed from the structure.			
An unoccupied property which has been tax delinquent for a period of two years.			
Property rendered unmarketable by defective/unusual title or no known owners.			
Building needs substantial rehabilitation with no progress during the previous 12 months.			
The property is an attractive nuisance for illicit purposes (e.g. prostitution, drugs, etc.).			
Any vacant or unimproved property within a built-up-neighborhood which has accumulated trash/debris or become a haven for vermin resulting from neglect.			
Any vacant property that is not tax delinquent but hasn't been rehabbed within one year of notice to rehabilitate from the appropriate code enforcement agency.			
A property which has environmentally hazardous conditions posing a direct and immediate threat to the health, safety and welfare of the community.			
The presence of vermin, debris, uncut vegetation, or deterioration has created potential health and safety hazards that the owner has failed to address.			
The building poses potential health and safety hazards from being subject to unauthorized entry because either the owner has failed to secure the building or the municipality has had to secure the building after the owner has failed to do so.			
The dilapidated appearance or other condition of the building negatively affects the economic well-being of residents and businesses in close proximity to the building, and the owner has failed to remedy its appearance or condition.			
An abandoned property where it either is a vacant or unimproved and has had an unpaid municipal demolition lien for at least six months; is a vacant property or vacant or unimproved lot with a total of municipal liens in excess of 150% of its fair market value; or has been declared abandoned by the owner or an estate in possession.			
A property where three or more of the following apply: (a) has unsafe or hazardous conditions that do not meet current use, occupancy or fire codes; (b) has unsafe external and internal accessways; (c) is being served by an unsafe public street or right-of-way; (d) violates the applicable property maintenance code adopted by a municipality and is an immediate threat to public health and safety; (e) is vacant; (f) is located in a redevelopment area with a density of at least 1,000 people per square mile or a redevelopment area with more than 90% of the units of property being nonresidential or a municipality with a density of at least 2,500 people per square mile.			

Note: Please reference each law directly for the exact wording of criteria used to establish blight.

Abandoned and Blighted Property Conservatorship Act (Act 135 of 2008)

Conservatorship allows a neighbor, nonprofit organization, municipality, school district, or redevelopment authority to petition a judge for the appointment of a responsible party tasked to bring a neglected property into compliance with code standards. The property owner can step in to terminate the conservatorship and thus regain control any time, but the owner must reimburse the conservator for the full costs of all expenses incurred. Once the property has been rehabilitated or demolished, if the owner has not approached the court to regain possession after paying all costs, the conservator may seek the court's permission to sell the property.

A court appoints the conservator after a formal process and hearing, including notice to the owner(s) and others who have an interest in the property. The conservator has the power to borrow money against the value of the property to finance repairs and improvements, purchase materials needed for rehabilitation, take over existing leases and enter into new leases for up to one year, receive public grants or loans, and sell the property with clear and marketable title. After the conservator is appointed, they must submit a plan to the court and to all involved parties that includes a cost estimate, financing plan, and description of the work to be done.

The practice of conservatorship includes the legal expenses of petitioning the court for the appointment of a conservator and the costs of either the rehabilitation or demolition of the property. Some communities only practice conservatorship after they have identified a buyer for the blighted property to ensure that they can recover the costs of the conservatorship. Grant funds might be available to support conservatorship efforts. Although conservatorship is more expensive than basic code enforcement because of the legal work involved, it is much less expensive and faster than eminent domain. Through the use of conservatorship, the municipality does not have to own the property but retains the right of possession.

Properties that may be eligible for conservatorship must meet all of the following:

1. have not been legally occupied for at least 12 months;
2. have not been marketed in the 60 days prior to filing the conservatorship petition;
3. have not been acquired by the owner in the previous six months (except for related transfers);
4. are not already in foreclosure proceedings; and
5. exhibit at least three (3) violations contained in the Act 135 list of nuisances and code violations (see table on previous page).

It should be noted that if the owner's vacancy is due to active duty military service then it cannot be counted towards a conservatorship petition.



LEVERAGE OUR HOUSING PLAN

In 2019, the Crawford County Board of Commissioners adopted the 2019 Crawford County Housing Plan as a supplement to the County's 2014 Comprehensive Plan. During the planning process, many citizens and communities emphasized the importance of remediating blight. Blight remediation costs money and may even require the establishment of larger programs to effectively handle the problem. If you or your municipality's governing body identifies the need for financial or capacity assistance from Crawford County to implement a specific strategy to address blight, please send a formal letter to:

Crawford County Planning; 903 Diamond Park, Meadville, PA 16335 | planning@co.crawford.pa.us