



BLIGHTED PROPERTY REVIEW COMMITTEE

**THURSDAY, MARCH 19, 2009
CITY COUNCIL OFFICE
6:00 p.m.
AGENDA**

- I. Call to Order 6:00p.m.**
- II. Public Comment**
- III. Approval of the Agenda & January 2009 Minutes**
- IV. Review Process Matrix**
- V. Update on Target Properties**
- VI. Determination Hearing**
 - Finalize letters
 - Define Procedure
 - Set Hearing Date
- VII. Updates:**
 - Update map to include OCR, ADD, Community Gardens, etc – W. Bealer

- Grants – L. Olsen & L. Kelleher
- Matrix sheets for properties in the process – L. Kelleher

Blighted Property Review Committee

Thursday, February 19, 2009

Meeting Report

Committee Members Attending: L. Olsen, M. Candelario, S. Fuhs, M. Wolfe, D. Luckey, W. Bealer

Others Attending: C. Younger, M. Mayes, L. Kelleher, D. Wright

Mr. Olsen called the meeting to order at 6:06 p.m. He announced that a quorum was present.

Public Comment

No one offered public comment

Agenda and Minutes

Mr. Olsen asked the Committee to review the agenda for this meeting and the minutes from the January meeting

Ms. Wolfe moved, seconded by Mr. Candelario, to approve the agenda for this meeting and the minutes from the January meeting.

Introduction of CD Staff

Mr. Mayes and Mr. Wright introduced themselves to the committee. Mr. Mayes stated that he is the new CD Director and Mr. Wright stated that he is the Housing Specialist, focusing on HOME, ESG and compliance with HUD regulations.

Mr. Mayes and Mr. Wright explained that they are both fairly new and expressed their belief in the mission of the committee. They expressed their desire to assist as the work of the committee moves forward. Mr. Wright noted their work on the Neighborhood Stabilization Program (NSP) grant application for \$5,000,000 through the PaDCED.

They stated that Ms. DeGroot in the Finance Department assisted with the grant application.

Ms. Kelleher stated that the Mayor appointed Mr. Wright to replace Mr. Khokhar as committee staff.

Properties of Merit

Mr. Bealer introduced Sam Bennett and Elizabeth Tran from Properties of Merit (POM). Ms. Tran distributed information packets on POM to the committee. Ms. Bennett stated that she learned about the committee's interest in the program through Eric Weiss and Mr. Bealer. She noted Mr. Weiss' high marks for the committee's focus and drive. She also noted her excitement about bringing Reading into the POM program.

Ms. Bennett took the committee through a power point presentation about POM. She explained that POM has a partnership with Home Depot. She noted that Home Depot has asked POM to begin a program in Reading. She explained that Home Depot provides \$6,000 in home improvement materials annually to each POM community, along with a volunteer network that helps the community complete the improvement projects. She explained that POM empowers the local community to revitalize their neighborhoods.

Ms. Bennett stated that POM recognizes property owners who keep their homes well maintained. She noted how this program encourages revitalization. She noted that during a walking tour with Mr. Bealer, they noticed that 124 Walnut Street is an exceptionally well maintained home located in a blighted neighborhood. She explained that POM would recognize the accomplishment of the owner of 124 Walnut. She provided some examples of properties in other POM communities that are recognized. She explained that POM uses a wide range of publicity approaches to bring community and media attention to these exceptional property owners.

Ms. Bennett explained that redevelopment focuses on bricks and mortar and POM addresses community action and behavior. She stated that the local POM program will be organized through a board that can be composed in a variety of ways. She noted that this board will continue its work even as local officials change.

Ms. Bennett stated that she started POM in her home town and then introduced it in

several Pennsylvania communities such as Allentown, Philadelphia, Easton, Erie, Bucks County, Pittsburgh, etc. She added that the program in Allentown has been in place for 10 years. She explained how POM uses the Broken Windows concept and described the three service corps in the POM program.

Mr. Fuhs inquired if a City contribution to the program is required. Ms. Bennett stated that the program is self funded. Mr. Fuhs questioned who runs the local program. Ms. Bennett stated that the local program is run by a board (minimum of four members) of local residents, one member serves as the point of contact.

Ms. Kelleher asked Ms. Bennett how long the program has been in place. Ms. Bennett stated that the program has been in place for approximately 23 years. She noted Governor Rendell's involvement and support for the program. She noted that the Governor assists the POM program with a state allocation. Ms. Kelleher inquired how the program will be affected when Governor Rendell leaves office. Ms. Bennett replied that POM will continue as it is not dependent on State funding.

Mr. Olsen and Mr. Fuhs inquired about the annual budget of POM. Ms. Bennett stated that POM has an annual budget of \$400,000. POM is self-funded and works to gather the necessary financial support. She noted that POM suggests that communities identify at least six target areas. She noted the importance of placing the program in areas that are historic districts, have community groups or have something that draws the neighbors together.

Ms. Bennett asked the committee if they would like to bring the program to Reading and described the need to obtain support of the Mayor and City Council. She explained that the program begins with a kick-off meeting that includes community leaders and residents. POM handles the invitations and organization. She suggested that Ms. Kelleher assist with this effort.

The committee agreed to move forward. Mr. Olsen and Ms. Kelleher stated that they will brief the Mayor's assistant and Managing Director tomorrow. Ms. Kelleher suggested having Ms. Bennett and Ms. Tran to the March work session, which will introduce the concept to the governing body and the public as work sessions are televised.

Updates

Inclusion of ADD, OCR, Garden Properties, etc.

Mr. Bealer reported that he is working to incorporate ADD, OCR, etc onto the blighted property map.

Grants

Ms. Kelleher stated that she and Mr. Olsen are waiting to hear from the DCED regarding grant opportunities.

Target List Properties

Mr. Olsen noted that Mr. Khokhar no longer works for the City. Ms. Kelleher asked Mr. Wright if he would be willing to take on this area and follow up with the committee. She explained that Mr. Khokhar would provide reports to the Committee. Inspections were coordinated by the Trades Office through Mr. Franco, who would include Property Maintenance Inspectors. Mr. Franco also mails the necessary notices and letters out to the target properties. Mr. Wright and Mr. Mayes agreed to handle this area.

Mr. Bealer distributed photographs of the targeted properties. He, Mr. Mayes, and Mr. Wright agreed to meet next week to review the progress on these properties.

Mr. Bealer reported the following about the target properties:

- 118 West Elm - signed a demolition waiver
- 155 Walnut - demolished
- 200 N Front - being transferred to OCR
- 343 McKnight - owner announced inability to rehabilitate

Other Business

Mr. Olsen noted the need to form committees that will help move the group forward. He noted that the chairs of the committees can bring other community members, such as community leaders and City staff, into the mix. After some discussion the following committees were established:

- Grants - Mr. Olsen, Chair and Ms. Kelleher
- Codes - Mr. Bealer , Chair and Mr. Wright
- Education - Mr. Candelario, Chair

- Research - Ms. Wolfe, Chair

The matrix prepared to cover the process for the targeted properties by Ms. Kelleher was reviewed. Ms. Kelleher was asked to send the matrix to Mr. Wright.

At the next meeting the committee will discuss the process and actions used by Allentown and Harrisburg. The committee will also define the issues connected to each target property so that the Determination Notices can be issued.

Mr. Candelario moved, seconded by Mr. Luckey, to adjourn the meeting.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

FOLLOW-UP ISSUES

Follow-up Issues:

- Update map to include OCR, ADD, Community Gardens, etc – W. Bealer
- Grants – L. Olsen & L. Kelleher
- Update on 22 target properties – W. Bealer & D. Wright
- Review Blighted Property Process
- Define issues connected w/ target properties and finalize determination letters

Blighted Properties Review Committee Checklist

Properties List (2009)

Target Area

- 317 Schuylkill Ave
- 118 W Elm St
- 120 W Elm St
- 343 McKnight St
- 360 McKnight St
- 157 N Front St
- 200 N Front St
- 210 N Front St
- 328 Pear St
- 217 N 2nd St
- 228 N 2nd St
- 363 N 2nd St
- 127 Walnut St
- 129 Walnut St
- 153 Walnut St
- 155 Walnut St

Target Neighborhood

- 628 N Front St
- 644 N Front St

Target Properties

- 431 – 437 Penn St
- 530 – 532 Penn St

Process Checklist

- Create List (BPRC)
- Inspection Letters (Codes)
- Inspections (Codes)
- Inspection Reports (Codes)
- Review Inspection Reports (BPRC)
- Create and Sign Blight Notice Letters (BPRC)
- Send Blight Notice Letters (City Clerk/Redevelopment Authority)
- Re-inspections (Codes)
- Re-inspection Reports (Codes)
- Review Re-inspections Reports (BPRC)
- Blight Determination Hearing (BPRC & Codes)
- Update Property List (BPRC)
- Send Updated Property List to Planning Commission, Redevelopment Authority and City Council [Information purposes only] (BPRC)
- Create and Sign Blight Determination Letters (BPRC)
- Send Blight Determination Letters (City Clerk/Redevelopment Authority)
- Re-inspections (Codes)
- Re-inspection Reports (Codes)

Property Address: 431-437 Penn

Date Declared Blighted by BPRC: Tues, June 3, 2008

	Code Enforcement	BPRC	Planning Commission	Redevelopment Authority	City Council	Rehab Partner
Month 1 Action Required	Inspection					
Date Completed						
Month 2 Action Required	Inspection	Blight Notices <i>90 days for rehab</i>		Mail Blight Notices		
Date Completed						
Month 3 Action Required						
Date Completed						
Month 4 Action Required	Re-inspection					
Date Completed						
Month 5 Action Required	Re-inspection	Determination Hearing	Review Determination	Review Determination	Review Property List	
Date Completed						



Month 11

**Action
Required**

Inspection

Date Completed

Month 12

**Action
Required**

Inspection

Date Completed

**30 days for prelim
objections**

**File Declaration
of Taking**



BLIGHTED PROPERTY REVIEW COMMITTEE

STATED MISSION – To implement provisions of the Urban Redevelopment Law of 1945, as amended by Act 94 of 1978, further amended by Act 113 of 2002, promoting reuse and reinvestment in properties in the City of Reading

ESTABLISHED - October 23, 2006, Ordinance 65-2006

NUMBER OF SEATS – **Not less than 4 or more than 7**

APPOINTMENT BY – Mayor appointment w/ Council approval

LENGTH OF TERM – **2 years**

MEETING DATES – **As necessary**

ACCOUNT. TO CITY -

BUDGET- As appropriated by Council

REVENUE SOURCE - **None**

CITY RESP. FOR DEBT – **Redevelopment Authority, Planning Commission**

NUMBER OF STAFF - **None**

STAFF COMPENSATION - **None**

STAFF LIAISON -

ESTABLISHING A BLIGHTED PROPERTY REVIEW COMMITTEE OF THE CITY OF READING TO IMPLEMENT THE PRO VISIONS OF THE URBAN REDEVELOPMENT LAW OF 1945, AS AMENDED BY ACTS 94 OF 1978, AND 113 OF 2002. AJND REPLACING THE VACANT PROPERTY REVIEW COMMITTEE

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Code of Codified Ordinances, Chapter 1 Administration and Government, Part 5 Boards, Departments, Commissions, Committees of Council, D Vacant Property Review Committee Sections 1-541 through 1-548 are replaced.

SECTION 2. A Blighted Property Review Committee is hereby established and shall be set forth in the Code of Codified Ordinances, Chapter 1 Administration and Government, Part 5 Boards, Departments, Commissions, Committees of Council, D Blighted Property Review Committee as follows:

1-541—Short Title — This ordinance shall be known as and may be cited as the Blighted Property Review Committee Ordinance.”

1-542- Purpose — The purpose of these provisions are to establish a Blighted Property Review Committee of the City of Reading to implement provisions of the Urban Redevelopment Law of 1945, as amended by Act 94 of 1978, further amended by Act 113 of 2002, promoting reuse and reinvestment in properties in the City of Reading.

1-543— Creation, Members, Duties, Term and Expenditures of the Blighted Property Review Committee — There is hereby established a “Blighted Property Review Committee” (Hereinafter “Committee”):

A. Duties — The Committee will be responsible for the certification to the Redevelopment Authority of all properties deemed to be vacant or abandoned.

B. Membership — The committee shall be composed of not less than four (4), and no more than seven (7) members, who shall served without compensation. The committee shall include at least one member of the Governing Body, a representative of the Redevelopment Authority, a representative of the Planning Commission, a representative to be designated by the Mayor, and citizen representatives of the City of Reading. Except for the member of the Governing Body, members shall be appointed by the Mayor. In the event mayoral appointment does not occur Council may appoint unfilled positions. In all cases members are approved by Council.

C. Terms — The term of each member shall be for a period of two (2) years and until their successor is appointed. A member may be re-appointed upon expiration of their term. The position of any member of the committee appointed in their capacity as a member of the governing body, representative of the Redevelopment Authority, representative of the Planning Commission, representative designated by the Mayor, who ceases to be so engaged shall be automatically considered vacant. An appointment to fill a vacancy shall be only for the unexpired portion of the term.

D. Organization of the Committee — The committee shall establish its own by-laws, establish offices, and elect officers from its own membership. For the conduct of any meeting and the taking of any action, a quorum shall be not less than a majority of the committee as a whole.

For the purpose of this ordinance, the committee will be able to begin holding meetings, as soon as, a majority of the members have been appointed and approved by Council. Any action taken at any meeting shall require the affirmative vote of a majority of the committee as a whole. No member of the committee shall be permitted to take part in the discussion or vote on any property in which said member has any financial interest, direct or indirect. The committee shall keep full public records of its business and shall submit a report of its activities to City Council at least once a year.

E. Removal of Members — Any committee member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of City Council taken after the member has received fourteen (14) days advance notice of the intent to take such a vote.

F. Expenditure for Services — City Council may appropriate funds for legal, secretarial, clerk, consultant, and other technical assistance, and for the acquisition and maintenance of blighted properties, and any other such expenses incurred in the pursuit of achieving the aims of this ordinance.

1-544 — Definitions — For the purpose of this ordinance, all words used in present tense include the future tense. All words in the plural number include the singular number and all words in the singular number include the plural number, unless the natural construction of the word clearly indicates otherwise. The word “shall” is mandatory and not discretionary. The word “used” includes designated, intended, built, or arranged to be used.”

a. “Blighted Property” shall include:

1. Any premises which because of physical condition or use is regarded as a public nuisance at common law, or has been declared a public nuisance in accordance with the local housing, building, plumbing, fire and related codes.
2. Any premises which because of physical condition, use or occupancy is considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations, and unsafe fences or structures.
3. Any dwelling which because of its dilapidated, unsanitary, unsafe, vermin- infested or lacking in the facilities and equipment required by the housing or building codes of the municipality, has been designated by the department responsible for enforcement of the code as unfit for human habitation.
4. Any structure which is a fire hazard, or is otherwise dangerous to the safety of persons or property.
5. Any structure, from which utilities, plumbing, heating, sewerage or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.
6. Any vacant or unimproved lot or parcel of ground in a predominantly built- up- neighborhood, which by reason or neglect or lack of maintenance has become a place for accumulation of trash and debris, or a haven for rodents or other vermin.
7. Any unoccupied property which has been tax delinquent for a period of two years prior to the effective date of this act, and those in the future having a two year tax delinquency.

8. Any property which is vacant but not tax delinquent, which has not been rehabilitated within one year of the receipt of notice to rehabilitate from the appropriate code enforcement agency.

9. Any abandoned property. A property shall be considered abandoned if:

(i) it is a vacant or unimproved lot or parcel of ground on which a municipal lien for the cost of demolition of any structure located on the property remains unpaid for a period of six months;

(ii) It is a vacant property or vacant or unimproved lot or parcel of ground on which the total of municipal liens on the property for tax or any other type of claim of the municipality are in excess of 150% of the fair market value of the property as established by any body with legal authority to determine the taxable value of the property; or

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

b. "City" — The City of Reading

c. "City Council" — The legislative body of the City of Reading, composed of Council President and six district representatives.

d. "Code" — The health, housing, building, fire, electrical, plumbing or other related code of the City of Reading.

e. "Commission" — The Reading Planning Commission

f. "Committee" — The Blighted Property Review Committee

g. "Governing Body" — The City Council of the City of Reading

h. "Public Nuisance" or "Nuisance" — Any condition or usage whatsoever in or about buildings, structures or land or the streets or private ways and places, or elsewhere, within the city, whether public or private, which is found to be detrimental to the public health as determined by the Committee or other appropriate City office or agency.

i. "Redevelopment Area"- Any area, whether improved or unimproved, which the Planning Commission may find to be blighted so as to require development.

j. "Redevelopment Area Plan" — A plan for the redevelopment of all or part of a redevelopment area made by a Planning Commission.

k. "Redevelopment Authority" — Redevelopment Authority of the City of Reading.

l. "Redevelopment Proposal" — A proposal, including a copy of the redevelopment area plan and supporting data, submitted for approval to the governing body by an authority for the redevelopment of all or part of a redevelopment area.

m. "Residential and Related Use" — Shall include residential property for sale or rental and related uses, including, but not limited to, park and recreation areas, neighborhood community services, and neighborhood parking lots.

n. "Vacant" — any unoccupied or unimproved lot or parcel of ground, which by reason or neglect or lack of maintenance shows to be unlikely habitable, implying abandonment on the part of the previous tenants or owner.

1-545 — Blighted Property Removal- Notwithstanding any other provision of law, the Redevelopment Authority shall have the power to acquire by purchase, gift, bequest, eminent domain or otherwise, any blighted property as defined herein, either within or outside of a redevelopment area and, further, shall have the power to hold, clear, manage, lease and/or dispose of said property for residential and related uses. This power shall be exercised in accord with the procedures set for hereinafter.

1-546 — Restrictions- The Blighted Property Review Committee and the Planning Commission, upon making a determination that any property is blighted as defined in Section 1-544, above, must certify said blighted property to the Redevelopment Authority except that:

1. No property shall be certified to the Redevelopment Authority unless it is vacant or abandoned.

2. No property shall be certified to the Redevelopment Authority unless the owner of the property or an agent designated by him for the receipt of service of notices has been served with notice of the determination that the property is blighted, together with an appropriate order to eliminate the conditions causing blight and notification that failure to do so may render the property subject to condemnation. The notice shall be served upon the owner or his agent. The owner or his agent shall have the right of appeal from the determination in the same manner as an appeal from the determination of public nuisance:

a. Procedure -

Whenever the committee shall determine, after such examination, investigation or hearing as shall suffice to inform its judgment, that a public nuisance exists or is about to exist, it may order the nuisance to be removed, abated, suspended, altered, or otherwise prevented or avoided. Notice of such order, bearing the official title of the committee and the number of days for compliance therewith and the alternative remedy of the committee in case of non-compliance, shall be served upon the person, if any, whom the committee deems responsible therefore or concerned therein, and upon the owner or abutting owner of the land, premises or other places whereon such a nuisance is or is about to be, if any. In case no such party or parties can be discovered by the committee, the order shall be served by posting a copy or copies thereof conspicuously upon the premises for a period of at least ten days.

b. Contents of Notice —

The notice of the committee's order shall clearly specify:

1. The place and manner of the nuisance or anticipated nuisance as determined by the committee.
2. The nature or condition thereof;
3. The committee's order with respect to the nuisance or anticipated nuisance;
4. The name of the persons found by the committee to be responsible therefore or concerned therewith and the name of the owner, if any, of the land or premises involved; in the event the owner or contact cannot be determined, said notice shall reflect this;

5. The date of the committee's order and the number of days there from allowed for compliance with it;
6. The alternative remedy of the committee in case of non-compliance;
7. Notice that the persons affected thereby may apply, within the time set for compliance with the order, to the committee for a hearing, and may request such stay of execution or modification or rescission of the said order as they shall believe just and proper;
8. The signature of the Chair of the Committee, attested by the secretary.

c. Hearing and Disposition

If any person affected thereby shall apply for a hearing within the time provided, the committee shall promptly notify all interested parties of the time and place of the hearing.

The committee shall enter upon its minutes such facts and proofs as it may receive, and its proceedings on such hearing and thereafter may rescind, modify or reaffirm its order and require execution of the original or of a new or modified order, as it shall determine and direct. The persons affected shall be notified of the committee's final order, and within ten days from the mailing of such notice may appeal therefrom to the court of common pleas, which appeal may operate as a supersedes if the court, upon proper cause shown, so order, and provided the appellants post bond, approved by the court, for the use of the city, with sufficient surety to cover all the expense and costs of executing the committee's order.

3. No blighted property shall be certified to the Redevelopment Authority o which more than ten dwelling units can be constructed under existing zoning regulations.

4. No blighted property shall be certified to the Redevelopment Authority until the time period for appeal has expired and no appeal has been taken, or, if taken, the appeal has been disposed of, and the owner or his agent has failed to comply with the order of the Blighted Property Review Committee.

1-547— Reuse of Acquired Property—

a. Acquisition and disposition of blighted property shall not require preparation, adoption or approval of a redevelopment area plan or redevelopment proposal, but at least thirty days prior to acquisition of any property, the Redevelopment Authority shall transmit identification of the property to the Planning Commission and shall request a recommendation as to the appropriate reuse of the property. The Redevelopment Authority shall not acquire the property where the Planning Commission certifies that disposition for residential or related use would not be in accord with the Comprehensive Plan of the City of Reading.

b. Property disposed of within a redevelopment area shall be disposed of under a redevelopment contract in accordance with the provisions of the Urban Redevelopment Law.

c. Property disposed of outside a redevelopment area shall be disposed of by deed in accordance with the provisions set forth in applicable law.

d. Power of eminent domain shall be exercised pursuant to a resolution of the Redevelopment Authority and the procedures set forth in applicable law.

1-548 — Conflict with Other Laws — Should any provisions set forth in this part be found to conflict with any law of the United States or the Commonwealth of Pennsylvania, such Federal and or State laws shall govern and this part shall be construed accordingly. Such a conflict shall not affect the validity of the part.

SECTION 3.— Effective Date- This Ordinance shall become effective ten (10) days after its approval, in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted October 23, 2006