

GUIDEBOOK TO THE PROPERTY BLIGHT AND REINVESTMENT PROCESS FOR THE CITY OF PITTSTON



Office of Community Development

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STEP I

OFFICE OF THE BUILDING INSPECTOR

CODE ENFORCEMENT

Blighted properties ruin City neighborhoods. The City's Office of the Building Inspector finds these blighted properties based on complaints or routine inspections. The first enforcement step is to use existing code enforcement laws to deal with blight. The goal of the City is not to acquire properties but get the existing property owner to meet his/her legal responsibilities to keep City properties in good, habitable condition. Owners receive written notices to repair their properties. Failure to do so is a criminal offense in Pennsylvania.

EXISTING PROPERTY STANDARDS

The City's basic standard for existing property is the 2015 International Property Maintenance Code, as amended by City Council from time to time. The Code defines what condition a property must be in to be deemed habitable. Property maintenance standards require functioning utilities, sound roofs, and weather-tight exteriors. Periodic inspections may reveal violations of the Property Maintenance Code of the City of Pittston.

Homes that have been vacant for a length of time have generally had previous code enforcement problems. Conditions in these homes are dangerous to the neighborhood and community that surround them.

PROPERTY COMPLAINTS

Concerned citizens or officials from other agencies will call the Code Enforcement Office (570.654.0513) to report any home in their neighborhood that may not meet the standards that should apply to homes in the neighborhood. A Code Enforcement Officer will follow up on every complaint and determine if a violation of the Property Maintenance Code of the City of Pittston has occurred.

ENFORCEMENT OF CITY CODES

If a violation of the Property Maintenance Code of the City of Pittston has occurred, the homeowner/landlord will receive written notification of the violation and be given a specific deadline in which to correct the situation. After the expiration of the time for compliance as stated on the notice of violation, a re-inspection shall be made to determine if the violation has been corrected. If the violations still exist, a citation will be filed with the District Justice Office. The District Justice can levy fines after a hearing has been held on the citation.

APPEAL – JOINT CODE APPEALS BOARD

The Joint Code Appeals Board may grant a variance or extension of time where strict enforcement of the Property Maintenance Code would cause undue or unnecessary hardship. This appeal must be in writing; accompanied by a \$500 check made payable to the City of Pittston and submitted to the Pittston Code Enforcement Office.

Sometimes Blighted Properties Remain...

Sometimes a property owner cannot be located or the property owner refuses to comply with the legal orders issued by the City to repair the property. Only after all options, under Code Enforcement, have been exhausted will the property be referred to the Pittston Blighted Property Board.

PITTSTON BLIGHTED PROPERTY BOARD

The Pittston Blighted Property Board was initiated to further enhance code enforcement efforts, and expedite rehabilitation. The Blighted Property Board is concerned with homes that are vacant where the owners have ignored valid Code orders issued by the City. In addition, city ordinances also permit vacant, blighted commercial and industrial properties to be acquired if necessary, through the Blighted Property process. In all cases, the property must be vacant: **There is no displacement of residents or businesses.**

BLIGHTED PROPERTY CRITERIA

The Stated defines Blighted Property as follows:

(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.

(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.

(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.

(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.

TRACKING VACANT PROPERTIES

The Office of the Building Inspector maintains a public list of problem, vacant properties that are potentially eligible to be declared as blighted. These properties, and the respective circumstances surrounding them, are presented to the Pittston Blighted Property Board at their scheduled meeting. The properties are considered based on the degree of influence the blighted properties may have on the neighborhood in which the properties are located. The Blighted Property Board selects the properties that should be acted on and a notification of eligibility for the Program is sent to the property owner informing him/her of pending Blighted Property Board action.

A letter is mailed to the property owner explaining that the property could be brought before the Blighted Property Board. This letter confirms that serious code violations and delinquencies exist and states that these code violations could cause the property to be declared blighted.

INITIAL INSPECTION OF THE BLIGHTED PROPERTY BOARD, PRESENTATION TO THE BLIGHTED PROPERTY BOARD, AND RESOLUTION.

The Blighted Property Board may ask for further documentation that the property is blighted. The Chief Building Official and other Code Officials will inspect the property upon request of the Board. A Real Estate Fact Sheet and Evaluation is completed on the property. The fact sheet focuses on the conditions of the property and the criteria for blight. The conditions on the fact sheet are presented to the Blighted Property Board and the information is evaluated. The Blighted Property Board can request more information – declare the property blighted – or declare the property not blighted. If the property is declared blighted, the Blighted Property Board passes a Resolution to issue a Notice of Blight.

HOW NOTICE IS GIVEN

Notice is sent to the owner that the property has been found to be in a blighted condition. The owner of the property is notified via first class mail and given a thirty-day right to appeal to the Joint Code Appeals Board.

At this time, a Notice of Blight and Resolution is posted on the front door of the property. This Notice should remain on the door for a period of at least ten days. The Notice is also advertised in the legal section of the local newspapers.

If the property owner takes no action within 30 days, the property passes on to the Pittston City Planning Commission for concurrence in the determination of the blighted condition. At this time, another inspection may be ordered.

OWNER REHABILITATION

The owner may rehabilitate the property provided the owner submits an acceptable plan to the Blighted Property Board in a timely manner. The owner may stop the blight process by producing a rehabilitation plan within 30 days of the property being declared blighted and posting a deposit in an amount ten percent greater than the building permit to rehabilitate the property, or a sum of \$1,000.00. The deposit money is held in an escrow fund. The owner and the Blighted Property Board sign a Rehabilitation Agreement. The property owner may have up to 12 months in which to complete the rehabilitation. The project will be monitored, by periodic inspections, to see that the rehabilitation is proceeding according to the timeline submitted by the property owner. If the rehabilitation plan is followed, the time line is met, and the conditions creating blight are corrected, the deposit will be returned to the property owner when a Certificate of Occupancy is issued. If the rehabilitation plan is not followed and the property is not rehabilitated, or the property owner fails to meet the timeline to complete the rehabilitation, the deposit will be forfeited and the property is returned to the Blighted Property Board where the steps for the property to be taken to the Pittston City Planning Commission will be taken.

APPEAL-JOINT CODE APPEALS BOARD

Upon the owner's request, the Joint Code Appeals Board may grant an appeal of the Notice of Blight. A written appeal must be filed within 30 days of the Notice, accompanied by a \$500 check made out to the City of Pittston and submitted to the Pittston Code Enforcement Office.

PITTSTON CITY PLANNING COMMISSION

One of the responsibilities of the Pittston City Planning Commission is to certify blight in accordance with state law, and to make its own determination and certification of blight based on information it receives on the condition of a property, the length of vacancy and any outstanding delinquencies of liens. The Planning Commission considers a property for certification of blight after the Blighted Property Board approves a resolution determining blight and authorizing its staff to forward necessary documentation to the Planning Commission for its concurrence in the finding of blight.

At one of their scheduled meetings, the Planning Commission will review all evidence of the blighted condition for each property on its own merits. This is a public meeting where the property owner and interested neighbors may attend and comment.

If the circumstances have not been altered, the Planning Commission may approve a resolution authorizing the Redevelopment Authority of the City of Pittston to take necessary action to begin the process of acquiring the property. Copies of all resolutions and documentation of the blighted condition are passed on to the Redevelopment Authority.

STEP IV

REDEVELOPMENT AUTHORITY OF THE CITY OF PITTSTON

The Redevelopment Authority of the City of Pittston is an independent board of five members appointed by the Mayor. The process by which it operates is a highly regulated legal proceeding of taking property through the State Eminent Domain Code. Much of the work is actually done by the Solicitors for the Redevelopment Authority.

At a regularly scheduled meeting, upon receipt of notification from the Planning Commission and documentation of the blighted condition of each individual property, the Redevelopment Authority immediately votes to pass a Resolution to acquire, market and resell the vacant, blighted properties contingent on available funding.

The regular monthly meeting of the Redevelopment Authority is held on the first Tuesday of each month beginning at 6:00pm at City Hall. At this time, a title search is requested and arrangements are made to have an appraisal of the property completed.

APPRAISAL

The owner is notified that the property has been declared blighted and an appraisal will be done on the property. The owner is invited to attend the appraisal and has 14 days in which to respond. The owner will receive a copy of the U.S. Department of Housing and Urban Development (HUD) booklet, when a Public Agency Acquires Your Property, explaining the right of the property owner, because federal funds are used to acquire these properties.

When a registered appraiser completes the appraisal, it is reviewed by an independent third party to verify accuracy of the findings. The appraisal will determine the “just compensation” or purchase price of the property.

DECLARATION OF TAKING/JUST COMPENSATION/PURCHASE PRICE

At the next meeting, immediately upon receipt of the appraisal from the reviewer, the Redevelopment Authority via Resolution authorizes acquisition of the property, and just compensation, or the acquisition price, is confirmed. A Notice of Intent to Acquire and Offer to Purchase is sent to the property owner. If there is no response from the owner, a Final Notice will be sent informing the owner that the property will be taken by the Redevelopment Authority and a formal filing of the Declaration of Taking will be filed in the Court of Common Pleas of Luzerne County, Pennsylvania, in approximately ten days. The State Eminent Domain Code is following in this process.

POSSESSION OF PROPERTY

When the Declaration of Taking has been filed, the windows are boarded up, if this has not already been done, and the grass mowed or snow removed. Trash is also taken away and emergency repairs may be made to the property; i.e., roof repaired, etc. Notification is made to all taxing authorities that the property has been taken by the Redevelopment Authority. The property will be placed in a tax-exempt status because it is now owned by the Redevelopment Authority.

FORESTALLING ACQUISITION

Some owners wait until the very last minute to act. Owner may undertake needed repairs at this stage, but they do so at their own risk. There is no guarantee that an owner can get all the repairs completed before the Redevelopment Authority acts to acquire the property. If an owner completes all necessary repairs and the Redevelopment Authority no longer seeks to acquire the property, the owner will be invoiced for any property maintenance costs incurred by the Redevelopment Authority following the Declaration of Taking.

STEP V

REDEVELOPING VACANT PROPERTIES

SOLICITING PROPOSALS

The property is now ready to be marketed to redevelopers. As new properties are available, the list is updated and made available to interested parties. The Redevelopment Authority's main goal is two-fold – first, remove the blight from the neighborhood and second, promote homeownership in the City.

REDEVELOPING BLIGHTED PROPERTIES

If interested in buying one of these homes, please call the City of Pittston the Redevelopment Authority (570) 654-4601. When applying for one of these homes, the buyer's reputation, past history and ability to complete the major rehabilitation of the home will be examined, as well as the buyer's funding for the purchase and reconstruction of the property, along with the plans the buyer has for the property. Purchase price of the property is a major factor, but the Redevelopment Authority is very interested in people who will be promoting homeownership for the property when it has been rehabilitated. In addition, the Redevelopment Authority examines the ability of the prospective buyer to complete the rehabilitation, the reputation of the prospective buyer regarding the maintenance of property he/she may already own in the City and the adequacy of the proposed rehabilitation work to remove blight. The Redevelopment Authority also verifies that the prospective buyer has sufficient funds to pay for the work needed on the property.

SALE TO NEW BUYERS

The regular monthly meeting is an open meeting and attendance of the prospective buyer is encouraged. The process is carried on during competitive public negotiations-not a sealed bid to highest bidder. Both private individuals and nonprofit agencies compete for available properties. The members of the Redevelopment Authority board and/or Executive staff will interview prospective buyers privately in an information gathering session. If there are multiple offers for one of the properties or if the purchase price is less than the just compensation price, a discussion will be held, during the public session, in an effort to come to a decision about which proposal best meets the goal of removing blight. The Redevelopment Authority often makes its decision based on the best proposal that promotes homeownership.

If a decision is reached during the meeting, motions are made and seconded to convey the property to the prospective buyer. The buyer has the right to choose a title company and final settlement date not longer than 60 days from the meeting date. At the time of final settlement, the buyer will receive a free and clear title to the property. A Special Warranty Deed and a Quitclaim Deed are signed at the final settlement and the deeds are recorded. At the end of the rehabilitation period on or before 12 months from the date of purchase of the property, the property is inspected and a staff member of the Redevelopment Authority approves a Certification of Completion. If the property has been rehabilitated according to the plan presented, the Quitclaim Deed is returned to the property owner. The property may then be resold to a qualified homeowner. A deed restriction shall be placed on the property requiring owner-occupancy in perpetuity.

RULES AND REGULATIONS

RULES AND REGULATIONS TO GOVERN PROCEDURES OF THE

CITY OF PITTSTON BLIGHTED PROPERTY BOARD

AS ADOPTED APRIL 24, 2019

ARTICLE I. NAME OF BOARD

The name of this Board shall be the Pittston Blighted Property Board.

ARTICLE II. AUTHORIZATION

The authorization for the establishment of this Board is set forth in Pennsylvania State Act 94 of 1978, act 39 of 1988 and Act 113 of 2002 which amends P. O. 991, No. 385 (Urban Redevelopment Law, May 24, 1945). Powers and duties are delegated to the Pittston Blighted Property Board by Ordinance with the above-mentioned enabling law, Ordinance 14, Bill No. 16, authorizing the Board to adopt Rules and Regulations.

ARTICLE III. BOARD MEMBERS

Section 1. The Board shall consist of five members as required by State law and City ordinance.

- a. The Mayor of the City of Pittston;
- b. The Executive Director of the Redevelopment Authority of the City of Pittston, or his/her designee;

- c. One member of the Pittston City Planning Commission, as appointed by the Commission's Chairman;
- d. The City Administrator of the City of Pittston; and
- e. One citizen to be designated by the Mayor of the City of Pittston.

Section 2. Members shall serve for a term of five years. Appointments shall be confirmed annually, each August 1.

ARTICLE IV. DESIGNATION OF OFFICERS

Section 1. The Mayor shall be the Chairperson.

Section 2. The Chairperson shall designate the Vice-Chairperson.

Section 3. Vacancies in office shall be filled immediately.

ARTICLE V. MEETINGS

Section 1. The Executive Director of the Redevelopment Authority shall be designated as Secretary of the Board by the Chair of the Board, shall keep the minutes and records of the Board. Under the direction of the Board and the Chairperson, he/she shall prepare the agenda of regular and special meetings, provide written notice of all meetings to Board members, arrange for proper and legal notice of hearings, attend to correspondence of the Board and perform such duties as are normally carried out by a Secretary.

Section 2. Regular meetings will be held every other month or at the discretion of the Chairperson at a time and place designated by the Chairperson in concurrence with a majority of the members of the Board.

Section 3. A quorum for Board meetings shall consist of three members. Binding action shall require the vote of a majority of Board members present.

Section 4. Special meetings may be called by the Chairperson or on request of a majority of the Board, provided they are called according to the Sunshine Law and allow three days notification in writing to all Board members.

Section 5. All meetings shall be open to the general public. However, the Board may meet in closed session for discussion purposes pursuant to the Sunshine Law.

Section 6. Unless otherwise specified by a majority vote of a quorum of Board members, Robert's Rule of Order shall govern the proceedings at the meetings of the Board.

ARTICLE VI. ORDER OF BUSINESS

Section 1. The order of business at regular meetings shall be:

- a. Call to Order
- b. Approval of Minutes of Previous Meeting
- c. Correspondence
- d. Old Business
- e. New Business

Section 2. Removal of any agenda item shall require the vote of a majority of Board members present.

ARTICLE VII. BUSINESS PROCEDURES

Section 1. An official agenda of regular Board meetings shall be prepared and mailed to Board members at least one week prior to the meeting date. Property reports of properties to be considered by the Board shall accompany the agenda.

Section 2. All business received after the one-week cutoff shall be considered as Other Business.

Section 3. Special meetings called by the Board shall cover only the items that have been scheduled in advance for the specific meeting.

ARTICLE VIII. OPERATING PROCEDURES

Section 1. List of Potentially Eligible Properties

At the direction of the Board, a list of potentially eligible properties that have been vacant at least three (3) months or condemned and vacant for sixty (60) days is prepared by the Codes Enforcement Officer. The list contains property addresses, corresponding Parcel Identification Numbers, property owner's names, dates of last known occupancy and current status, i.e., vacant, boarded, condemned or placarded as unfit for human habitation under the City Property Maintenance Code, Building Code or Fire Code. The Board selects the properties that it wishes to address and instructs the Board Secretary to notify the property owner of pending Board action.

Section 2. Property Owner Notification Letter

This letter is sent both regular mail to the respective owners notifying the property owner that the property is potentially eligible for further action by the Board. It explains what they need to do before the next

scheduled Board meeting. This letter does not constitute official action by the Board but is a notice of the serious code violations and/or tax delinquencies that must be cured.

Section 3. Property Fact Sheet

The Property Fact Sheet, which is based on the criteria of blight as defined in State law, is completed by the Chief Building Official (CBO) of the City, or his/her designee after he has inspected the property. The Fact Sheet is subsequently submitted to the Board for its review and determination prior to the Board considering issuing a Notice of Blight.

Section 4. Notice of Blight

The Fact Sheet is evaluated and, if the subject property is declared blighted, the Notice of Blight is issued and signed by the Secretary and Chairman. The Board Secretary is then instructed to mail, post the property, and publicly advertise the Notice of Blight. In the Notice of Blight, the property owner's rights are explained to them. They have a thirty-day right to appeal to the Joint Code Appeals Board. In the event the owner of said property decides to rehabilitate the same, he must acquire a building permit, provide a rehabilitation plan in significant detail to remove the blighting influences within a 12-month period, and pay all delinquent taxes and municipal liens. A deposit of 10% of the estimated rehabilitation cost, or \$1,000.00, whichever is less, is required to be posted with the Board before the rehabilitation plan will be accepted. If accepted, the Board will take no further action against the subject property, provided the owner diligently carries out the rehabilitation plan in accordance with the timeline agreed to in the Rehabilitation Agreement. The written request for an appeal must be accompanied by a check in the amount of \$500.00, made payable to the City of Pittston, and submitted to the Chief Building Official.

Section 5. Public Notice

Public Notice is given for each property that is declared blighted and is advertised in the legal section of a newspaper. Notarized proof of publication is sent to the Board Secretary.

Section 6. Certification of Service-Posting

The Certificate of Service-Posting is completed when the property is posted. The property is posted by a Department of Community Development staff member and is done in a manner so as to keep the posting in place for a period of ten days and can only be removed by tearing it off. This posting is witnessed and notarized and the certificate is filed in the property jacket.

Section 7. Rehabilitation Agreement

The owner of a property completes the Rehabilitation agreement. All housing code violations must be addressed and timed elements stated for each violation. This rehabilitation agreement is submitted to the Board with an approximate rehabilitation cost so the Board can determine the required deposit. This document is signed by a Board member, the owner of said property, and notarized. If the property is not rehabilitated in accordance with the rehabilitation agreement and/or the property is not rehabilitated in accordance with the timeline agreed to in the Rehabilitation Agreement, the Board can find the owner in default and retain the deposit.

If the Board agrees to enter into a new Rehabilitation Agreement with the owner who has defaulted on the original Agreement, a new deposit and timeline must be submitted for the Board's approval.

Section 8. Request to Planning Commission

When the prescribed thirty-day appeal has expired, and no appeal has been filed, and the blight has not been cured, the Board Secretary is authorized to transmit to the City Planning Commission a report of said property for the Commission to make its own certification and determination. The report is signed by the Chairperson of the Pittston Blighted Property Board.

ARTICLE IX. EMPLOYEES

Section 1. In addition to Office of Community Development staff, the Board will have available staff from the Pittston "Redevelopment Authority" as required.

ARTICLE X. HEARINGS

- Section 1. The Board may hold public hearings when it determines that such hearings will be in the public interest.
- Section 2. Notice of the time, place, and nature of the matter to be considered at any hearing shall be given not more than fourteen and not less than seven days in advance of any hearing. Such notice shall be published for two consecutive days in a newspaper of general circulation in the City.
- Section 3. The Board shall keep a record of the Proceedings of any hearing, either steno graphically or by sound recording. Minutes of the proceeding and copies of graphic or written material received during any hearing shall be made available to any person at cost.

ARTICLE XI. AMENDMENTS

These By-Laws may be amended by a majority vote of the entire membership of the Board.

ARTICLE X

Pittston Blighted Property Board

[Adopted as File of Council 2018-10]

§ 22-36. Legislative findings

- A. It is the purpose of the City of Pittston to preserve and enhance its residential neighborhoods and neighborhood life and the property uses associated therewith and to discourage destruction and displacement of neighborhoods and neighborhood property uses associated with neighborhood life, including, in particular, displacement of low- and moderate-income persons.
- B. There exists within the City of Pittston, both within and outside of certified redevelopment areas, properties which have become derelict, abandoned or unfit for human habitation or other use by reasons of age, obsolescence, prolonged vacancy, dilapidation, deterioration, lack of maintenance and care or general neglect.
- C. Such derelict properties individually and collectively constitute a blight and nuisance in city neighborhoods, create fire and health hazards, and are used for immoral and criminal purposes.
- D. Such derelict properties constitute unreasonable interference with the reasonable and lawful use and enjoyment of other premises in city neighborhoods, are harmful to the social economic well-being of the City of Pittston, depreciate property values and generally jeopardize the health, safety and welfare of the public.
- E. In the City of Pittston there exists a serious shortage of affordable, decent, safe or sanitary housing accommodations and properties for related usages.
- F. Vacant property can be a resource for the advancement of economic development in the city.
- G. Eminent domain is a proper public purpose which will promote public health, safety and welfare.

- H. It is deemed in the best interest of the citizens of the City of Pittston that the Pittston Blighted Property Board be empowered to certify to the Redevelopment Authority of the City of Pittston blighted properties so that the Redevelopment Authority may hold, clear, manage or dispose of property for residential and related reuses.

§ 22-37. Purpose and Procedure.

- A. The purposes of these provision are, consistent with the preservation of neighborhoods and protection of low- and moderate-income prisms against displacement as stated in the legislative findings above, to establish a Vacant Property Review Committee of the City of Pittston to implement the provisions of the State Urban Redevelopment Law of 1945, as amended by Act 94 of 1978 and Act 39 of 1988, and to promote reuse of the reinvestment in properties in the City of Pittston. This Vacant Property Review Committee shall be known and may be referred to as the “Pittston Blighted Property Board,” hereinafter termed the “Board.”
- B. In all decisions and formal actions under this article, the Board shall issue its decisions in writing addressing how the determination of the Board or Authority conforms to the legislative findings above and the statement of purpose in Subsection A of this section.

§ 22-38. Pittston Blighted Property Board.

The Board shall consist of five members, as follows:

- A. The Mayor of the City of Pittston;
- B. Executive Director of the Redevelopment Authority of the City of Pittston, or his/her designee;
- C. One member of the Pittston City Planning Commission, as appointed by the Commission’s Chairman;

D. The City Administrator of the City of Pittston, and

E. One citizen to be designated by the Mayor of the City of Pittston.

§ 22-39. Blighted property removal.

Notwithstanding any other provision of law, the Redevelopment Authority of the City of Pittston 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 certified redevelopment area and, further, shall have the power to hold, clear, manage and/or dispose of said property for residential and related use or commercial or industrial reuse, as provided by law. This power shall be exercised in accord with the procedure set forth hereinafter.

§ 22-40. Blighted property.

Blighted property shall include the following:

- A. A premise 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 municipal housing, building, plumbing, fire and related codes.

- B. A premise which because of physical condition, use or occupancy is considered an attractive nuisance to children. This paragraph includes and abandoned:
 - (i) well;
 - (ii) shaft;
 - (iii) basement;
 - (iv) excavation; or
 - (v) unsafe fence or structure.

- C. A dwelling which, because it is dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by statute or an applicable municipal code, has been designated by the agency responsible for enforcement of the statute or code as unfit for human habitation.
- D. A structure that is a fire hazard or is otherwise dangerous to the safety of persons or property.
- E. A structure from which the 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.
- F. Any vacant or unimproved lot or parcel or ground in a predominantly built-up neighborhood which, by reason of neglect or lack of maintenance, has become a place for accumulation of trash and debris or a haven for rodents and other vermin.
- G. Any unoccupied property which has been tax delinquent for a period of two years.
- H. A property which is vacant but not tax delinquent, and which has not been rehabilitated within one year of the receipt of notice to rehabilitate from the appropriate enforcement agency
- I. Criteria for an abandoned property:
 - 1. It is a vacant or unimproved lot or parcel of ground on which a municipal lien for the cost of demolition of a structure located on the property remain unpaid for a period of six months.
 - 2. It is a vacant property or vacant or unimproved lot or parcel of ground on which the total of municipals liens on the property for tax or other type of claim of the City are in excess of 150% of the fair market value of the property as established by the Luzerne County Tax Assessment Office or the body with legal authority to determine the taxable value of the property; or
 - 3. The property has been declared abandoned by the owner including an estate that is in possession of the property
- J. A property which has defective or unusual conditions of title or no known owners, rendering title unmarketable.

- K. A property which has environmentally hazardous conditions, solid waste pollution or contamination in a building or on the land which poses a direct and immediate threat to the health, safety and welfare of the community

- L. A property having three or more of the following characteristics:
 - 1. has unsafe or hazardous conditions that do not meet current use, occupancy or fire codes;
 - 2. has unsafe external and internal accessways;
 - 3. violates the applicable property maintenance code adopted by a municipality and is an immediate threat to public health and safety;
 - 4. is vacant;
 - 5. 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 unites of property being non-residential or a municipality with a density of at least 2,500 people per square mile.

§ 22-41. Residential and related use.

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 service and neighborhood parking lots.

§ 22-42. Certification.

The Board and the Pittston City Planning Commission, upon making a determination that any property is blighted within the terms of this article, must certify said blighted property to the Redevelopment Authority, except that:

- A. No property shall be certified to the Redevelopment Authority unless it is vacant. A property shall be considered vacant if:
1. The property is unoccupied or its occupancy has not been authorized by the owner of the property.
 2. In the case of an unimproved lot or parcel of ground, a lien for the cost of demolition of any structure located on the property remains unpaid for a period of six months; or
 3. In the case of an unimproved lot or parcel of ground, the property has remained in violation of any provision of City building, property maintenance or related codes applicable to such lots or parcels, including licensing requirements, for a period of six months.
- B. No property shall be certified to the Redevelopment Authority unless the owner of the property or an agent designated by him for receipt of service of notices within the municipality has been served with notice of the determination that the property is blighted, together with an appropriate order to eliminate the conditions causing the blight and notification that failure to do so may render the property subject to condemnation under this article. The notice shall be served upon the owner or his agent in accord with the provisions of a local ordinance pertaining to service of notice of determination of a public nuisance. The owner or his agent shall have the right of appeal from the determination of public nuisance.
- C. 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 Chief Building Official of the City of Pittston or other office or agency.

§ 22-43. Other functions of the Board

- A. The Board may advise at its own discretion the Redevelopment Authority in matter relating to the establishment and modification of policies, priorities and procedures affecting the disposition of properties acquired through the certification process of the Board.
- B. The Board may advise at its own discretion the Department of Community Development in matter relating to the provision of financial, advisory and technical rehabilitation assistance affecting reinvestment in properties acquired through the certification process of the Board.

- C. The Board may advise at its own discretion other municipal agencies in matter relating to the functions of said agencies affecting the acquisition, disposition and reinvestment in properties which have been or may be acquired through the certification process of the Board.
- D. The Board may advise at its own discretion appropriate agencies in matters relating to the disposition of publicly owned properties in the City of Pittston.
- E. The Board may advise at its own discretion appropriate agencies in the design, development and implementation of homesteading and other property reinvestment programs which may from time to time be effectuated in the City of Pittston by such agencies.
- F. The Board shall do such other acts, including but not limited to the promulgation and implementation of rules and regulations as may be necessary to fulfill the duties, obligations and administration of Pennsylvania Act 94 of 1978 and this article.

§ 22-44. Reuse of acquired property.

- A. Acquisition and disposition of blighted property under this article shall not require preparation, adoption or approval of a redevelopment area plan or redevelopment proposal, but at least 30 days prior to acquisition of any property, the Redevelopment Authority shall transmit identification of the property to the Pittston City 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 Pittston City Planning Commission certifies that disposition for residential or related use or commercial or industrial reuse would not be in accord with the Comprehensive Plan of the municipality.
- B. Property disposed of within a redevelopment area shall be disposed of under a redevelopment contract in accordance with the provisions of this article.
- C. Property disposed of outside an urban renewal project area shall be disposed of by deed in accordance with the provisions set forth in applicable law.

[Adopted as File of Council 2020-8]

Amend §7-4 as follows:

There is continued the Joint Appeals Board for the City Building Code, Uniform Construction Code, Property Maintenance Code, Rental Inspection Ordinance, Blighted Property Ordinance and Fire Prevention Code as set forth in the respective ordinances.

Amend §20-3 as follows:

Notwithstanding any other provision of law, the Redevelopment Authority of the City of Pittston 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 certified redevelopment area and, further, shall have the power to hold, clear, manage and/or dispose of said property for residential and related use or commercial or industrial reuse, as provided by law. This power shall be exercised in accord with the procedure set forth in the Guidebook to the Property Blight and Reinvestment Process for the City of Pittston.

Amend §20-7 B as follows:

No property shall be certified to the Redevelopment Authority unless the owner of the property or an agent designated by him for receipt of service of notices within the municipality has been served with notice of the determination that the property is blighted, together with an appropriate order to eliminate the conditions causing the blight and notification that failure to do so may render the property subject to condemnation under this chapter. The notice shall be served upon the owner or his agent in accord with the provisions of the Guidebook to the Property Blight and Reinvestment Process for the City of Pittston for notice of determination of a blight. The owner or his agent shall have the right of appeal to the Joint Code Appeals Board within 30 days of the initial Notice of Blight.

HISTORICAL AND STATUTORY NOTES

The 1988 amendment, in subsec. (a), substituted “reuse and commercial or industrial reuse” for “use”, and in subec. (b) substituted “blighted” for “vacant” and deleted cl. (4), which formerly read:

“No single vacant lot or parcel of ground shall be certified to the Redevelopment Authority under this section on which more than ten dwelling units can be construction under existing zoning regulations.”

REDEVELOPMENT AUTHORITIES

35 P.S. SECTION 1712.1 BLIGHTED PROPERTY REMOVAL

- a. Notwithstanding any other provision of this act, any Redevelopment Authority shall have the power to acquire by purchase, gift, bequest, eminent domain or otherwise, any blighted property as defined in this section, either within or outside of a certified redevelopment area and, further, shall have the power to hold, clear, manage and/or dispose of said property for residential and related reuse and commercial or industrial reuse. This power shall be exercised in accord with the procedures set forth in this section.

- b. Such power on the part of any Redevelopment Authority shall be conditioned upon the creation or existence of a vacant property review committee by ordinance of the governing body of the municipality. The committee shall be made up of members as determined in the said ordinance but shall include at least one member of the governing body, a representative of the Redevelopment Authority, a representative of the appropriate planning commission, and a representative to be designated by the chief executive officer or officers from the executive branch of the government of the municipality.

- c. Blighted property shall include:
 - (1) A premise 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 municipal housing, building, plumbing, fire and related codes.

 - (2) A premise which because of physical condition, use or occupancy is considered an attractive nuisance to children. This paragraph includes and abandoned:
 - i) well;

 - ii) shaft;

 - iii) basement;

 - iv) excavation; or

- v) unsafe fence or structure.

- (3) A dwelling which, because it is dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by statute or an applicable municipal code, has been designated by the agency responsible for enforcement of the statute or code as unfit for human habitation.

- (4) A structure that is a fire hazard or is otherwise dangerous to the safety of persons or property.

- (5) A structure from which the 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 or ground in a predominantly built-up neighborhood which, by reason of neglect or lack of maintenance, has become a place for accumulation of trash and debris or a haven for rodents and other vermin.

- (7) Any unoccupied property which has been tax delinquent for a period of two years.

- (8) A property which is vacant but not tax delinquent, and which has not been rehabilitated within one year of the receipt of notice to rehabilitate from the appropriate enforcement agency

- (9) Criteria for an abandoned property:
 - i) It is a vacant or unimproved lot or parcel of ground on which a municipal lien for the cost of demolition of a structure located on the property remain 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 municipals liens on the property for tax or other type of claim of the City are in excess of 150% of the fair market value of the property as established by the Luzerne County Tax Assessment Office or the 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

(10) A property which has defective or unusual conditions of title or no known owners, rendering title unmarketable.

(11) A property which has environmentally hazardous conditions, solid waste pollution or contamination in a building or on the land which poses a direct and immediate threat to the health, safety and welfare of the community

(12) A property having three or more of the following characteristics:

(i) has unsafe or hazardous conditions that do not meet current use, occupancy or fire codes;

(ii) has unsafe external and internal accessways;

(iii) violates the applicable property maintenance code adopted by a municipality and is an immediate threat to public health and safety;

(iv) is vacant;

(v) 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 non-residential or a municipality with a density of at least 2,500 people per square mile.

D. 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 service and neighborhood parking lots.

E. The blighted property review committee and the appropriate planning commission, upon making a determination that any property is blighted within the terms of this section, 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.

2. No property shall be certified to the Redevelopment Authority unless the owner of the property or an agent designated by him for receipt of service of notices within the municipality has been served with notice of the determination that the property is blighted, together with an appropriate order to eliminate the conditions causing the blight and notification that failure to do so may

render the property subject to condemnation under this act. The notice shall be served upon the owner or his agent in accord with the provisions of a local ordinance pertaining to service of notice of determination of a public nuisance. The owner or his agent shall have the right of appeal from the determination of a public nuisance. 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.

3. 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 responsible department or other officer or agency.

- F. Acquisition and disposition of blighted property under this section shall not require preparation, adoption or approval of a redevelopment area plan or redevelopment proposal as set forth in Section 10, but at least thirty days prior to acquisition of any property under this section, the Redevelopment Authority shall transmit identification of the property to the planning commission of the municipality 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 municipality.

- G. Power of eminent domain shall be exercised pursuant to a resolution of the Redevelopment Authority and the procedure set forth in the act of June 22, 1964 (Sp.Sess., P.L. 84, No.6), known as the "Eminent Domain Code," as amended.

- H. Property disposed of within a redevelopment area shall be disposed of under a redevelopment contract in accordance with the provisions of this act.

Property disposed of outside an urban renewal project area shall be disposed of by deed in accordance with the provisions set forth in applicable law.

1945, May 24, P.L. 991, Section 12.1, added 1978, June 23, P.L. 556, No. 94, Section 2, effective in 60 days.

Amended 1988, March 30, P.L. 304, No. 39, Section 5, imd. Effective.

HISTORICAL AND STATUTORY NOTES

The 1988 amendment, in subsec. (a), substituted “reuse and commercial or industrial reuse” for “use”, and in subsec. (b) substituted “blighted” for “vacant” and deleted cl. (4), which formerly read:

“No single vacant lot or parcel of ground shall be certified to the Redevelopment Authority under this section on which more than ten dwelling units can be construction under existing zoning regulations.”

File of Council

NO. 3 {2021}

Mayor Michael A. Lombardo, In Place

March 17, 2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PITTSTON, LUZERNE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 20 BLIGHTED PROPERTY BOARD OF THE PITTSTON CITY CODE.

BE IT ENACTED AND ORDAINED BY THE CITY OF PITTSTON and it is hereby enacted and ordained by authority of the same as follows:

Section 1. Purpose. The Commonwealth of Pennsylvania updated and replaced the definition of “Blighted Property” via the enactment of Act 79 of 2019 and requires it’s usage for all statutes enacted after September 1, 1937.

Section 2. Amendments. Pittston City Code Chapter 20 Blighted Property Board is hereby amended as follows:

A.Repeal and Replace §20-4 as follows:

§20-4 Blighted Property.

Blighted property shall mean:

(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.

(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.

(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.

(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.

Section 3. Retainer. All other provisions of Chapter 20 currently in effect and not specifically noted in Section 2 of this ordinance remain unchanged, in full force and effect.

Section 4. Severability. If any provision of this ordinance is found to be invalid by a court

of law, all remaining provisions remain in full force and effect.

Section 5. Effective Date. This ordinance shall take effect immediately upon adoption.

ORDAINED and ENACTED by the City Council of the City of Pittston at a Regular Meeting held March 17, 2021: