

Legislation Details (With Text)

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Title: Amending Title 21 of The Philadelphia Code, entitled "Miscellaneous," by adding a new Chapter, entitled "Neighborhood Blight Reclamation and Revitalization," providing remedies for the remediation of neighborhood blight as authorized by the General Assembly of Pennsylvania; all under certain terms and conditions.

Sponsors: Councilmember Clarke, Councilmember Jones, Councilmember Sanchez, Councilmember DiCicco, Councilmember Blackwell, Councilmember Miller, Councilmember Tasco, Councilmember Goode, Councilmember Rizzo, Councilmember Kelly

Indexes: BLIGHT ELIMINATION

Code sections: Title 21 - MISCELLANEOUS

Attachments: 1. Bill No. 10061500.pdf

Date	Ver.	Action By	Action	Result	Tally
3/31/2011	0	Committee on Housing, Neighborhood Development and The Homeless	HEARING NOTICES SENT		
3/31/2011	0	Committee on Housing, Neighborhood Development and The Homeless	HEARING HELD		
3/31/2011	0	Committee on Housing, Neighborhood Development and The Homeless	RECESSED		
2/23/2011	0	Committee on Licenses and Inspections	HEARING NOTICES SENT		
2/23/2011	0	Committee on Licenses and Inspections	HEARING HELD		
2/23/2011	0	Committee on Licenses and Inspections	RECESSED		
9/23/2010	0	CITY COUNCIL	Re-Referred	Pass	

Amending Title 21 of The Philadelphia Code, entitled “Miscellaneous,” by adding a new Chapter, entitled “Neighborhood Blight Reclamation and Revitalization,” providing remedies for the remediation of neighborhood blight as authorized by the General Assembly of Pennsylvania; all under certain terms and conditions.

WHEREAS, Blight creates visual pollution, health and safety hazards and imposes a financial burden on the taxpayers of Philadelphia; and

WHEREAS, Maintaining a blight-free city promotes a positive city image, healthy living and improves the overall quality of life of all city residents; and

WHEREAS, Due to years of passive or negligent behavior by many residents and non residents, several areas of Philadelphia become blighted with refuse, litter, graffiti and unmaintained vacant and non-vacant properties;

and

WHEREAS, Proactive measures should be employed by City government to help reverse the effects of these blighting influences; and

WHEREAS, The City Council recognizes that there is an imperative need to raise awareness of this problem and anticipate, plan for, and accomplish effective blight reduction and control; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 21 of The Philadelphia Code is amended to read as follows:

TITLE 21. MISCELLANEOUS.

* * *

CHAPTER 21-1800. NEIGHBORHOOD BLIGHT RECLAMATION AND REVITALIZATION.

§ 21-1801. *Preliminary Provision.*

(1) *This Chapter is in accordance with Act __, enacted by the General Assembly on _____.*

§ 21-1802. *Definitions.*

(1) *“Blighted Property.” Any of the following:*

(a) Premises which, because of physical condition or use, have been declared by a court of competent jurisdiction as a public nuisance at common law or have been declared a public nuisance in accordance with state laws and related municipal codes and ordinances, including nuisance and dangerous building ordinances.

(b) Premises which, because of physical condition, use or occupancy, are considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures.

(c) A dwelling which, because it is dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required under the housing code of the municipality, has been designated by the municipal department responsible for enforcement of the code as unfit for human habitation.

(d) A structure which is a fire hazard.

(e) A vacant or unimproved lot or parcel of ground in a predominantly built-up neighborhood which, by reason of neglect or maintenance, has become a place for accumulation of trash and debris or a haven for rodents or other vermin.

(f) An unoccupied property which has been tax delinquent for a period of two years.

(g) 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 code enforcement agency.

(2) *“Building.” A residential, commercial or industrial building or structure and the land appurtenant to it.*

(3) *“Competent entity.” A person or entity, including a governmental unit, with experience in the rehabilitation of residential, commercial or industrial buildings and the ability to provide or obtain the necessary financing for such rehabilitation.*

(4) *“Consumer.” A person who is a named insured, insured or beneficiary of a policy of insurance or any other person who may be affected by the Insurance Department’s exercise of or the failure to exercise its authority.*

(5) *“Cost of rehabilitation.” Costs and expenses for construction, stabilization, rehabilitation, demolition and reasonable nonconstruction costs associated with any of these projects, including, but not limited to, environmental remediation,*

architectural, engineering and legal fees, permits, financing fees and a developer's fee consistent with the standards for developer's fees established by the Pennsylvania Housing Finance Agency.

(6) "Court." The appropriate court of common pleas.

(7) "Mortgage lender." A business association defined as a "banking institution" or "mortgage lender" under 7 Pa.C.S. Ch. 61 (relating to mortgage loan industry licensing and consumer protection) that is in possession of or holds title to real property pursuant to, in enforcement of or to protect rights arising under, a mortgage, mortgage note, deed of trust or other transaction that created a security interest in the real property.

(8) "Municipality." A city, borough, incorporated town, township or home rule, optional plan or optional charter municipality or municipal authority in the Commonwealth. The term also includes any other governmental entity charged with enforcement of municipal housing, building, plumbing, fire and related codes and specifically includes a neighborhood improvement district and nonprofit corporation created under the Act of December 20, 2000 (P.L. 949, No. 130), known as the Neighborhood Improvement District Act.

(9) "Municipal code." A building, housing, property maintenance, fire, health or other public safety ordinance enacted by a municipality.

(10) "Municipal permits." Privileges relating to real property granted by a municipality, including, but not limited to, building permits, exceptions to zoning ordinances and occupancy permits.

(11) "Owner." A holder of the title to residential, commercial or industrial real estate, other than a mortgage lender, who possesses and controls the real estate. The term includes, but is not limited to, heirs, assigns, beneficiaries and lessees, provided this ownership interest is a matter of public record.

(12) "Property maintenance code." A municipal ordinance which regulates the maintenance or development of real property.

(13) "Property maintenance code violation." A violation of a municipal property maintenance code.

(14) "Public nuisance." Property which, because of its physical condition or use, is regarded as a public nuisance at common law or has been declared by the appropriate official a public nuisance in accordance with a municipal code.

(15) "Serious violation." A violation of a State law or municipal code that poses an immediate threat to the health and safety of a dwelling occupant, occupants in surrounding structures or passersby.

(16) "Substantial step." An affirmative action as determined by an independent third party or officer of the court on the part of a property owner or managing agent to remedy a serious violation of a State law or municipal code, including, but not limited to, physical improvements or reparations to the property.

(17) "Tax delinquent property." Tax delinquent real property as defined under the Act of July 7, 1947 (P.L. 1368, No. 542), known as the Real Estate Tax Law, located in any municipality in the Commonwealth.

§ 21-1803. Actions Against Owner of Blighted Property.

(1) Actions. In addition to other remedies, the Law Department may institute the following actions on behalf of the City against the owner of any building, housing or land in serious violation of a building, housing, property maintenance, fire, health or other public safety provision in The Philadelphia Code which causes the property to be blighted:

(a) An in personam action may be initiated for a continuing violation for which the owner takes no substantial step to correct within six months following receipt of an order to correct the violation, unless the order is subject to a pending appeal before the administrative agency or court.

(b) An action against the owner shall be for an amount equal to any penalties imposed against the owner and for the amount expended by the City to abate the violation.

(c) A proceeding in equity.

(2) *Asset attachment.*

(a) *General rule.* A lien may be placed against the assets of an owner of unremediated blighted real property after a judgment, decree or order is entered by a court of competent jurisdiction against the owner of the property.

(b) *Construction.* Nothing in this Section shall be construed to authorize, in the case of an owner that is a corporation, a lien on the individual assets of the shareholders of the corporation.

(3) *Duty of out-of-state owners of real estate in the Commonwealth.* As provided in Act _____, a person who lives or has a principal place of residence outside the Commonwealth, who owns real estate in the Commonwealth against which municipal code violations have been cited under 18 Pa.C.S. § 7510 (relating to municipal housing code avoidance), and who has been properly notified of the violations may be extradited to the Commonwealth to face criminal prosecution.

(4) *Duty of corporate owners.* Where, after reasonable efforts, service of process for a notice or citation for any code requirement violation for any property owned by a corporation or business association cannot be accomplished by handing a copy of the notice or citation to an executive officer, partner or trustee of the corporation or business association or to the manager, trustee or clerk in charge of the property, the delivery of the notice or citation may occur by registered mail, accompanied by a delivery confirmation:

(a) *To the registered office of the corporation or business association.*

(b) *Where a corporation or business association does not have a registered office, to the mailing address used for real estate tax collection purposes, if accompanied by the posting of a conspicuous notice to the property and by handing a copy of the notice or citation to any adult in possession of the property.*

§ 21-1804. *Permit Denials by the City.*

(1) *Denial.*

(a) *A City agency or employee responsible for issuing a building permit, zoning permit, zoning variance, municipal license, municipal permit or municipal approval for contemplated action that requires the City's approval may deny such issuance if the applicant owns real property in any municipality for which there exists on the real property:*

(.1) *A final and unappealable tax, water, sewer or refuse collection delinquency on account of the actions of the owner; or*

(.2) *A serious violation of State law or municipal code and the owner has taken no substantial steps to correct the violation within six months following notification of the violation.*

(b) *The municipal permit denial shall not apply to an applicant's action to correct a violation of an applicable State law or municipal code for which the building permit, zoning permit, zoning variance, municipal license, municipal permit or municipal approval for contemplated action requiring such approval is required.*

(c) *The municipal permit denial shall not apply to an applicant's delinquency on taxes, water, sewer or refuse collection charges that are under appeal or otherwise contested through a court or administrative process.*

(2) *Proof of compliance.*

(a) *All City variances, approvals, permits or licenses may be withheld until an applicant obtains a letter from the appropriate State agency, municipality or school district indicating the following:*

(.1) *The property in question is not presently tax delinquent;*

(.2) *The property in question is now in code compliance; or*

(.3) *The owner of the property has presented and the appropriate State agency or municipality has accepted a plan to begin remediation of a serious violation of State law or municipal code. Acceptance of the plan may be contingent on:*

(a) Beginning the remediation plan within no fewer than 30 days following acceptance of the plan.

(b) Completing the remediation plan within no fewer than 90 days following commencement of the plan.

(b) Letters required under this subsection shall be verified by the appropriate City officials before issuing to the applicant a City variance, approval, permit or license.

(3) Applicability of other law. A denial of a building permit, zoning permit, zoning variance, municipal license, municipal permit or municipal approval for contemplated actions that requires approval of a municipality shall be subject to the provisions of 2 Pa.C.S. Chs. 5 Subch. B (relating to practice and procedure of local agencies) and 7 Subch. B (relating to judicial review of local agency action).

§ 21-1805. Conflict with other Law.

(1) In the event of a conflict between the requirements of this Chapter and Federal requirements applicable to demolition, disposition or redevelopment of buildings, structures or land owned by or held in trust for the Government of the United States and regulated pursuant to the United States Housing Act of 1937 (50 Stat. 888, 42 U.S.C. § 1437 et seq.) and the regulations promulgated thereunder, the Federal requirements shall prevail.

SECTION 2. This Ordinance shall take effect only when authorized by the Pennsylvania General Assembly.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.