

Legislation Text

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Calling upon the Mayor to create a Philadelphia Conservatorship Program.

WHEREAS, On November 26, 2008, Governor Rendell approved into law the Abandoned and Blighted Property Conservatorship Act (HB 2188, Printer's No. 4521)("Conservatorship Act"); and

WHEREAS, The purpose of the Conservatorship Act is to provide towns and cities throughout the Commonwealth a new tool, frequently used in other states, to address blight by taking vacant properties and returning them to productive use; and

WHEREAS, In Philadelphia and other towns and cities, thousands of properties remain vacant because the condemnation process is too challenging and the tax sale process is too unpredictable and conservatorship, based on its proven success in other jurisdictions, is a more effective redevelopment tool that enables residents, business owners, non-profit corporations, and government entities to take control of the future of their communities by addressing the problem of vacant and abandoned properties; and

WHEREAS, Conservatorship is the appointment of a third party to take possession and control of a property in order to make repairs and return the property to productive use and the conservator is appointed by the court after a formal process and hearing, including notice to the owner and lien holders; and

WHEREAS, Under the Conservatorship Act, the rights of the property owner are balanced against the rights of the neighboring parties and, upon past history and the consideration of the court, the owner can step in at any time to terminate the conservatorship and, after reimbursing all costs, regain control of the property; and

WHEREAS, The conservatorship process begins with the filing of a petition by a party of interest, which are defined as owners, lien holders, government entities, residents or business owners within 500 feet of the property, and development based non-profit corporations within a mile of the property; and

WHEREAS, The conservator takes possession of, but not title to, the property and has all the powers of the owner and is deemed to have ownership for the purposes of applying for funds, approvals, and permits and the actual owner retains all property liabilities, including the obligation to pay taxes and assessments; and

WHEREAS, The conservator must submit an initial plan and final accounting to the court and to all parties, including costs estimates, financing plan, and work description and once the property has been rehabilitated, and if the owner has not approached the court to regain possession after paying all costs, the conservator may seek the court's permission to sell the property and title is transferred free and clear of all liens and claims; and

WHEREAS, To bring this redevelopment tool to Philadelphia, the Mayor could create a Philadelphia Conservatorship Program by designating City attorneys and other municipal professionals to assist eligible parties in filing conservatorship petitions to transform vacant and abandoned buildings into productive, income producing properties. Now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, that we hereby call upon the Mayor to create a Philadelphia Conservatorship Program.