

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. - 2026

_____, 2026

AN ORDINANCE

Repealing Chapter 135, “Abandoned Real Property; Blight” in its entirety and adopting Chapter 611, Vacant and At Risk Property”

WHEREAS, the Council of the City of Allentown finds that Vacant and At Risk properties contribute to blight, pose public safety hazards, and negatively impact neighborhood property values, quality of life, and economic development; and

WHEREAS, the presence of Vacant and At Risk properties often lead to increased crime, fire risks, unauthorized occupancy, and deterioration of the physical environment; and

WHEREAS, it is the intent of the City to establish a registration, inspection, and maintenance program to identify, track, and ensure accountability for Vacant and At Risk properties; and

WHEREAS, this ordinance aims to encourage responsible property ownership, promote rehabilitation and re-occupancy, and provide the City with tools to mitigate the negative impacts of vacancy on its residents and neighborhoods; and

WHEREAS, the City Council finds that such regulations are necessary and appropriate to protect the health, safety, and welfare of the residents of Allentown and to preserve the integrity of its communities.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

Chapter 135, “Abandoned Real Property; Blight” shall be repealed and Chapter 611, “Vacant and At Risk Property” shall be adopted as follows:

CHAPTER 611

VACANT AND AT RISK PROPERTY

§ 611-1. Purpose and intent.

It is the purpose and intent of the City to establish a process to address the deterioration and blight of City neighborhoods caused by an increasing amount of vacant, at risk for vacancy, foreclosed or distressed real property located within the City, and to identify, regulate, limit and reduce the number of vacant properties located within the City. It is the City's further intent to establish a registration program as a mechanism to protect neighborhoods from becoming blighted due to the lack of adequate maintenance and security of vacant and property at risk of vacancy. **This Chapter is intended to supplement existing nuisance, property maintenance, and code enforcement remedies by establishing a registration and monitoring program designed to identify properties at risk of deterioration before conditions rise to the level of public nuisance or severe blight.**

§ 611-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ACCESSIBLE PROPERTY/STRUCTURE — A property that is accessible through a comprised/breached gate, fence, wall, etc., or a structure that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

APPLICABLE CODES — To include, but not be limited to, Chapter 660, Zoning, of the City's Code, Chapter 455, Property Rehabilitation and Maintenance, of the City's Code, Chapter 393, Neighborhood Improvement, of the City's Code, Chapter 525, Solid Waste, Articles I, II and III, of the City's Code, and the Pennsylvania Building and Fire Codes.

AT RISK PROPERTY — Any real OCCUPIED property located in the City, that is at risk of vacancy due to default on a mortgage, has had a lis pendens filed against it by the lender holding a mortgage on the property, is subject to an ongoing foreclosure action by the lender, is subject to an application for a tax deed or pending tax assessor's lien sale, or has been transferred to the lender under a deed in lieu of foreclosure. The designation of a property as "AT RISK" shall remain in place until such time as the

property, becomes vacant, is sold or transferred to a new owner, the foreclosure action has been dismissed, and any default on the mortgage has been cured.

ENFORCEMENT OFFICER — Any law enforcement officer, Building Official, Zoning Inspector, Code Enforcement Officer, Fire Inspector of Building Inspector, or other person authorized by the City to enforce the applicable code(s).

OCCUPIED - Any building or structure where one or more persons lawfully resides, conducts a business, or otherwise legally occupies any portion of the building on a non-transient basis.

OWNER — Any person (i) having a legal or equitable interest in a property; (ii) having a legal interest in a property recorded in the official records of the state, county or municipality as holding title to the property; or (iii) otherwise having control of the property including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PROPERTY MANAGEMENT COMPANY — A local property manager, property maintenance company or similar entity responsible for the maintenance of At Risk or Vacant properties.

VACANT PROPERTY — An improved lot or parcel of real property with at least one building or structure that is not currently occupied for a period of more than 90 continuous days or has been determined to be vacated by an Enforcement Officer. ~~A property which remains furnished, has utilities connected or in use, and does not exhibit evidence of vacant property, shall not be considered vacant.~~

The Bureau of Building Standards and Safety may establish administrative guidelines identifying objective indicators of vacancy, including but not limited to utility inactivity, accumulation of mail, lack of furnishings, code violations, overgrown vegetation, broken windows, or other observable evidence of non-occupancy.

VACANT STORE FRONT – A “vacant storefront” shall mean any commercial space visible from a public right-of-way that is unoccupied, inactive, or not lawfully operating a business open to the public for a period exceeding **90 days** ~~sixty (60) days~~. A storefront shall not be considered occupied solely by virtue of storage, intermittent use, or the presence of furnishings without ongoing business operations open to the public. commercial space, or portion thereof, designed or previously used for retail, service, or public-facing business purpose.

§ 611-3. Applicability.

This chapter shall be considered cumulative and not superseding or subject to any other law or provision for same but rather be an additional remedy available to the City above and beyond any other state, county or local provisions for same.

§ 611-4. Establishment of registry.

Pursuant to the provisions of § 611-5, the City or designee shall establish a registry cataloging each At Risk and Vacant Property within the City, containing the information required by this chapter.

§ 1611-5. Registration of At Risk and Vacant real Property.

- A. An owner of an At Risk or Vacant Property located in the City shall be responsible for registering that property with the City of Allentown Bureau of Building Standards and Safety, through the online registration system or in person, on a form provided by the City and pay the required At Risk Property or Vacant Property registration fee.
- B. Registration of Vacant Properties.
 - (i) Any owner of real property that remains vacant for more than ninety (90) consecutive days shall register the property with the City within fifteen (15) calendar days of:
 - a. The property reaching the ninety-day (90-day) vacancy threshold; or
 - b. Written notice or determination by an Enforcement Officer that the property meets the definition of Vacant Property under this Chapter.
- C. Registration of At Risk Properties
 - (i) Any owner, agent, mortgagee, or servicer holding a mortgage on real property located within the City that becomes in default shall, within ten (10) business days of default, perform an inspection of the property to determine whether the property is occupied or vacant.
 - (ii) The owner, agent, mortgagee, or servicer shall, within ten (10) business days of that inspection, register the property with the Bureau of Building Standards and Safety, or its designee, on forms or through website access provided by the City, and indicate whether the property is vacant or occupied..

- (iii) If the property is occupied but remains in default, it shall be inspected by the mortgagee or his designee monthly until 1) the mortgagor or other party remedies the default, or 2) it is found to be vacant, and the mortgagee shall, within 10 days of that inspection, update the property registration to a vacancy status.
 - (iv) Applicability After Foreclosure or Deed in Lieu. This section shall also apply to properties that have been the subject of a foreclosure sale where title was transferred to the beneficiary of the mortgage involved in the foreclosure, and to any property transferred under a deed in lieu of foreclosure.
- D. A separate registration is required for each property, whether found to be vacant or occupied.
- E. Registration pursuant to this section shall contain:
- (i) The direct street/ office mailing address of the owner(s), agent(s), mortgagees, servicer(s), and local property management company (if applicable). No post office boxes shall be accepted as a valid address in compliance with this chapter. If certified/return receipt requested is sent to the address provided by the owner and the mail is returned marked "refused" or "unclaimed", or if ordinary mail sent to the address is returned for whatever reason, then such occurrence shall be prima facie evidence that the owner has failed to properly comply with this chapter.
 - (ii) A direct, contact phone number for the owner(s), agents, and/or local property managers, and valid email address (if applicable). If the property is managed by a local property management company responsible for the security, they must provide a twenty-four-hour contact phone number.
 - (iii) The property address and parcel identification number (PIN or tax number);
 - (iv) The owner's confirmation that the City's Building Official or designee will be permitted to inspect the property, including any building or structure situated thereon, in accordance with this chapter, and at such other reasonable times, upon reasonable notice, as determined necessary by the Building Official.
 - (v) The name and twenty-four-hour contact phone number of the property management company responsible for the security and maintenance of the property.
 - (vi) any other information deemed necessary by City of Allentown.

F. All registration fees must be paid directly from the mortgagee, servicer, or owner. Third-party registration fees are not allowed without the consent of the City and/or its authorized designee.

(i) Fee Waiver for Certain Presale-Compliant Properties. Notwithstanding any provision of this Chapter to the contrary, a property that has successfully completed all requirements of the City's presale inspection and permitting process, including correction of all cited violations and issuance of any required approvals, shall remain subject to the registration requirements of this Chapter if otherwise deemed Vacant or At Risk.

(ii) The registration fee may be waived by the Director of Community and Economic Development, when the owner demonstrates that:

a. The property has completed and complied with all presale inspection requirements;

b. The property is actively and continuously listed for sale with a licensed real estate broker or through another method acceptable to the City; and

c. The property remains in compliance with all applicable maintenance, security, and property standards.

(iii) The fee waiver shall remain in effect only while the property continues to satisfy the conditions set forth herein and may be revoked upon a determination by the City that such conditions no longer exist.

G. Duration and Renewal. Properties subject to this section shall remain under the annual registration requirement, and the inspection, security, and maintenance standards of this Chapter, as long as they remain Vacant or At Risk. Registration shall remain valid for one year from the date of filing and must be renewed annually until the property is lawfully occupied, sold, or otherwise removed from the registry.

H. Change of Information. Any person or legal entity that has registered a property under this Chapter must report any change of information contained in the registration within ten (10) ~~calendar~~ **business** days of such change.

I. Failure of the mortgagee, owner, agent, or servicer to properly register or update the registration form as required constitutes a violation of this Chapter and shall be subject to enforcement and penalties as provided herein.

J. City Abatement and Lien Authority. Pursuant to any administrative or judicial finding that a property is in violation of this Chapter, the City may take the

necessary actions to ensure compliance and may place a lien upon the property for the cost of any work performed to benefit or secure the property, together with an administrative fee as outlined in §406-13, and applicable civil penalties.

§ 611-6. Maintenance requirements.

- A. Properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is vacant.
- B. The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- C. Front, side, and rear yards, including landscaping, shall be maintained in accordance with the applicable code(s) at the time registration was required.
- D. Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- E. Weatherproofing Requirements. All vacant properties, including the surrounding real property, required to be registered in accordance with this chapter shall be maintained in a condition that prevents the intrusion of water and exposure to the elements.
 - (i) **Watertight Building Envelope:** The roof, exterior walls, windows, and doors must be intact and in good repair to prevent water infiltration. Any damaged or deteriorated roofing materials, siding, or flashing must be promptly repaired or replaced.
 - (ii) **Secure Openings:** All windows and doors must be properly fitted, closed, and locked or otherwise secured. Broken windows must be replaced or securely boarded with weather-resistant materials. Boarded openings must be sealed in a manner that prevents moisture penetration and pest entry, using materials such as exterior-grade plywood and caulk.
 - (iii) **Foundations and Crawlspace:** Basements and crawlspaces must be protected against water intrusion through proper drainage, sump pumps (if

applicable), and intact foundation walls. All access points (such as vents, hatches, or doors) must be secure and in good condition.

- (iv) Gutters and Downspouts: The property must have functioning gutters and downspouts to direct water away from the building and foundation. These systems must be free of debris and properly attached.

F. Vacant Storefronts

Vacant storefronts shall be maintained in a clean, secure, and orderly condition so as not to create blight or nuisance conditions. Window coverings, displays, or screening materials may be required by the Enforcement Officer where necessary to prevent vandalism, graffiti, trespass, or deterioration. Any such materials shall be maintained in a professional appearance and shall not obstruct visibility required for public safety purposes.

Adequate lighting shall be maintained where necessary for safety and security.

- ~~(i) Any vacant storefront located within the City of Allentown shall, no later than sixty (60) business days after the ground-floor premises first become vacant, provide window coverage of not less than sixty percent (60%) and not more than one hundred percent (100%).~~
- ~~(ii) All vacant storefronts shall maintain adequate lighting so as not to create or attract a nuisance.~~
- ~~(iii) All vacant storefronts shall be kept secure and free of graffiti.~~

G. Failure of the mortgagee and/or owner to properly maintain the property may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable code of the City. Pursuant to a finding and determination by the City's Code Enforcement Officer, Magisterial District Judge or a court of competent jurisdiction, the City may take the necessary action to ensure compliance with this section.

H. In addition to the above, the property is required to be maintained in accordance with all applicable code(s) of the City.

§ 611-7. Security requirements.

- A. Properties subject to this chapter shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- B. A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to

access the interior of the property or structure. Broken windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by reglazing of the window.

- C. If a mortgage on a property is in default, and the property has become At Risk or Vacant, a property manager shall be designated by the mortgagee to perform the work necessary to bring the property into compliance with the applicable code(s), and the property manager must perform regular inspections to verify compliance with the requirements of this chapter and any other applicable laws.

§ 611-8. Public nuisance.

All At Risk and Vacant real properties are hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare and safety of the residents of the City.

§ 611-9. Inspections for violations.

- A. Initial inspections of At Risk and Vacant properties shall occur within forty-five (45) calendar days of registration to verify compliance.
- B. Annual inspections shall be performed within 30 days of the anniversary of the registration.
- C. Inspections may also be conducted upon complaint or observed violation.
- D. Adherence to this chapter does not relieve any person, legal entity or agent from any other obligations set forth in any applicable code(s), which may apply to the property. Upon offer for sale or transfer of title to the property, the owner shall be responsible to apply to the City's Bureau of Building Standards and Safety office for a pre-sales inspection.

§611-10. Additional authority

- A. If the Enforcement Officer has reason to believe that a property subject to the provisions of this chapter is posing a serious threat to the public health, safety and welfare, the Enforcement Officer may temporarily secure the property at the expense of the owner, agent, mortgagee, or servicer.

- B. The Enforcement Officer shall have the authority to require the mortgagee and/or owner, agent, mortgagee, or servicer of record of any property affected by this section to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.
- C. When there is a finding by the Enforcement Officer that the condition of the property is posing a serious threat to the public health, safety and welfare, then the City may abate the violations and charge the owner, agent, mortgagee or servicer with the cost of the abatement.
- D. If the owner, agent, mortgagee, or servicer does not reimburse the City for the cost of temporarily securing the property, or of any abatement directed by the Enforcement Officer, within 30 days of the City sending the owner, agent, mortgagee, or servicer the invoice, then the City may lien the property with such cost, along with an administrative fee as determined in the City's fee ordinance to recover the administrative personnel services.

§ 611-11. Opposing or obstructing enforcement officer.

Whoever opposes, obstructs, or resists any enforcement officer or any person authorized by the enforcement office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.

§ 611-12. Immunity of enforcement officer.

Any enforcement officer or any person authorized by the City to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good-faith entry upon real property while in the discharge of duties imposed by this chapter.

§ 611-13. Appeals

- A. Right to Appeal. Any owner, agent, mortgagee, servicer, or other responsible party aggrieved by a determination or requirement issued under this Section, including but not limited to a determination of vacancy, classification as an at-risk property, or a requirement to register a property, **financial hardship**, may file an appeal with the ~~Blighted Property Review Committee~~. **Director of Community and Economic Development, or their designee.**

- B. Time for Filing. Such appeal shall be filed in writing within **fifteen (15) business days from the date of posting**. ~~ten (10) calendar days of the date of the notice of determination or requirement.~~ Failure to file a timely appeal shall constitute a waiver of the right to appeal.
- C. ~~Filing Fee. Each appeal filed pursuant to this Section shall be accompanied by a non-refundable filing fee of one hundred dollars (\$100.00), payable to the City of Allentown. No appeal shall be accepted or scheduled for hearing unless the required fee has been paid.~~
- D. Form of Appeal. The appeal shall be submitted on forms provided by the City, or in a format approved by the Bureau of Building Standards and Safety and shall state the grounds for the appeal and include any supporting documentation.
- E. Hearing and Decision. Upon receipt of a timely appeal, the ~~Blighted Property Review Committee~~ **the Director of Community and Economic Development or their designee**, shall schedule a hearing within a reasonable time. The appellant shall be provided notice of the date, time, and location of the hearing. The ~~Committee~~ **Director** shall consider all relevant evidence, including but not limited to inspection reports, photographs, testimony, and documentation submitted by the appellant. Following the hearing, the ~~Committee~~ **Director** may affirm, modify, or reverse the determination or requirement. The decision of the ~~Committee~~ **Director** shall be issued in writing within **fifteen (15)** ~~thirty (30)~~ business days of the hearing.
- F. Final Decision. The decision of the **Director of Community and Economic Development, or their designee** ~~Board of Appeals~~ shall constitute the final administrative action of the City. Any party aggrieved by a decision of the ~~Board of Appeals~~ may appeal the decision to the Court of Common Pleas of Lehigh County, in accordance with applicable laws.

§ 611-14. Fees; violations and penalties.

- A. A nonrefundable annual registration fee per property shall accompany the registration form.
- (1) At Risk Registration: \$200
- (2) Vacant Property Registration: \$300.
- B. Penalties. Any person, partnership or corporation who or which violates the provisions of this Chapter, shall, upon being found liable in a civil enforcement proceeding commenced by the City, pay a judgment of not more than \$500.00

Dollars plus all court costs, plus reasonable attorney fees incurred by the City. Each day that a violation is continued shall constitute a separate offense.

SECTION TWO: That this Ordinance will take effect Ten (10) days after final passage.

SECTION THREE: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

SECTION FOUR: The provisions of this Ordinance are separate and severable. If any section, clause or provision or portion of this Ordinance shall be held to be unenforceable or invalid by any Court of competent jurisdiction, the unenforceability or invalidity of any such provision shall not affect the validity and enforceability of the remaining provisions which shall remain valid and continue in effect