

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 16 - 2021

MARCH 3, 2021

AN ORDINANCE

As Amended from Ordinance # 12323

Amending Part One, Administrative Code, Title Eleven, Authorities Boards and Commissions, Article 173, Vacant Property Review Committee.

WHEREAS, the City recognizes that the prevention of urban blight enhances the quality of living for the Citizens of the City of Allentown; and

WHEREAS, pursuant to 35 P.S. 1712.1(a) 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; and

WHEREAS, pursuant to 35 P.S. 1712.1(b) Such power on the part of any Redevelopment Authority shall be conditioned upon the creation or existence of a blighted property review committee by ordinance of the governing body of the municipality; and

WHEREAS, pursuant to 35 P.S. 1712.1(e) the blighted property review committee must certify properties as blighted before the Redevelopment Authority may acquire said properties; and

WHEREAS, pursuant to Article IX, Authorities, Boards and Commissions, Section 901, Establishment, of the City of Allentown Home Rule Charter, City Council is authorized to create authorities, boards, and commissions to carry out City business; and

WHEREAS, in 1978, the City of Allentown created, through ordinance No. 12323 of 1978, the Vacant Property Review Committee; and

WHEREAS, the complexity of modern property acquisition requires the amendment of the Vacant Property Review Committee to create the Blight Property Review Committee; and

WHEREAS, the Blighted Property Review Committee shall have power and authority to provide for the designation and certification of blighted property as defined in this Article

NOW, THEREFORE, BE IT ORDAINED, Part One, Administrative Code, Title Eleven, Authorities Boards and Commissions, Article 173 shall be amended as follows:

173.01 CREATION AND COMPOSITION

There is created, to be appointed by the Mayor, with the advice and consent of Council, the ~~Vacant Property Review~~ Blighted Property Review Committee

~~173.02 POWERS AND DUTIES~~

~~The Vacant Property Review Committee shall have all powers and duties granted unto it by the provisions of Act 94 of 1978 and any related or successor legislation. (12323 §2-10/18/78)~~

173.02 DEFINITIONS

- A. The Committee shall use the following definition of 'blight' in its determinations under this Part as set forth in Section 12.1 of the Law, 35 P.S. §1712.1 (Blighted Property Removal), Section §205 of the Eminent Domain Code, § 26 Pa. C.S. § 205 and Property Maintenance Code §1741.1.
1. A premises which because of physical condition or use is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with the local housing, building, plumbing, fire and related codes as defined in Section 1742.03.45 of the Property Maintenance Code (Applied Meanings of Words and Terms.)
 2. A premises which, because of physical condition, use or occupancy, is considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations, and unsafe fences or structures.
 3. A dwelling which, because it is dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by statute or City Code, has been designated and posted as such by the department responsible for enforcement of the code as unfit for human habitation.
 4. A structure which is a fire hazard or is otherwise dangerous to the safety of persons or property under Section 1745 of the Property Maintenance Code (Safety from fire).
 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. A vacant or unimproved lot or parcel of 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 or other vermin.

7. An 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 code enforcement agency. The Term "vacant" is defined in Section 1752.01 of the Property Maintenance code as: An unoccupied or vacant structure shall mean any structure or portion thereof intended for use as a dwelling unit, habitable room, hotel, multi-family dwelling, rooming house, dwelling, mixed and non-residential structures, but not being occupied.
9. An abandoned property. A property shall be considered abandoned under this paragraph if it:
 - a) *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 remains unpaid for a period of six months;*
 - b) *is a vacant property or vacant or unimproved lot or parcel of ground on which the total of municipal liens on the property for tax or other type of claim of the municipality is in excess of 150% of the fair market value of the property as established by the Board of Revisions of Taxes or other body with legal authority to determine the taxable value of the property; or*
 - c) *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: (a) has unsafe or hazardous conditions that do not meet current use, occupancy of fire codes; (b) has unsafe external and internal accessways; (c) is being served by an unsafe public street or right-of-way; (d) violates the applicable property maintenance code and is an immediate threat to public health and safety; (e) is vacant as defined in this Part: (f) is located in a redevelopment area with a density of at least 1,0000 people per square mile or with more than 90% of the units of property being nonresidential.

B. Other Definitions

1. City – City of Allentown
2. City Council – The legislative Body of the City of Allentown
3. Code – Property Rehabilitation and Maintenance Code 1741
4. Commission – The City of Allentown Planning Commission
5. Owner – All individuals, firms, agents, partnerships, corporations, limited liability corporations or other entities or an individual or authority which own, lease, rent, possess the property and are responsible for property.

6. Public Nuisance – Any Code Violation of the Property Rehabilitation and Maintenance Code 1741 or Blight Definitions, as listed above.
7. Redevelopment Area – any area, whether improved or unimproved, which the Planning Commission may find to be blighted, and in need of redevelopment.
8. Redevelopment area plan – a plan for the redevelopment of all or part of a redevelopment area made by the planning Commission.
9. Redevelopment Authority – The Allentown Redevelopment Authority.
10. Urban Redevelopment Law – The Commonwealth of Pennsylvania Urban Redevelopment Law codified pursuant to the Pennsylvania Statutes 35 P.S. §1700 *et al.*
11. Premises/Property – A lot or parcel and all buildings, structures, or uses located thereon.

173.03 QUALIFICATIONS OF MEMBERS

~~At least one of the committee members shall be a member of Council, one shall be a representative of the Allentown Planning Commission, one shall be a representative of the Allentown Redevelopment Authority with the remaining members to be designated by the Mayor. Alternate members appointed shall comply with the provision of this section. (12323 §3 10/18/78)~~

173.03 EXPENDITURE FOR SERVICES

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

173.04 TERMS

~~The initial terms of the first five (5) members shall be as follows: Two (2) shall serve until the first Monday of January, 1980; two (2) shall serve until the first Monday of January, 1981; and one shall serve until the first Monday of January, 1982. Alternate members terms shall run concurrently with those of the permanent members. Their successors shall be appointed on the expiration of their expected terms to serve three (3) years. (12323 §4 10/18/78)~~

173.04 BLIGHT CERTIFICATION

The Blight Property Review Committee upon making a determination that any property is blighted within the terms of this Chapter, 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:
- B. the property is unoccupied, or its occupancy has not been authorized by the owner of the property;
- C. 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
- D. in the case of an unimproved lot or parcel of ground, the property has remained in violation of any provision of this Code applicable to such lots or parcels, including licensing requirements, for a period of six months.
- E. No property shall be certified to the Redevelopment Authority unless the owner of the property or an agent designated by him/her for receipt of service of notices has been served with notice of the determination that the property is blighted, together with an appropriate order to eliminate the conditions causing the blight and

notification that failure to do so may render the property subject to condemnation under the Urban Redevelopment Law. The notice shall be served upon the owner or his agent in accord with the provisions of §1741.10 and §1741.11 of the City of Allentown Property Rehabilitation & Maintenance Code. 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 pursuant to the provisions of §1741.12A of the City of Allentown Property Rehabilitation & Maintenance Code.

- F. 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.

~~173.05 REMOVAL AND VACANCY~~

~~The Mayor may remove any or all members of the board for official misconduct or neglect of duty and may fill any vacancy for any expired term with the approval and consent of Council. (12323 §5 10/18/78)~~

173.05 ADDITIONAL POWERS

The Blight Property Review Committee may advise, at its own discretion, for the following:

- A. The City of Allentown and /or The Redevelopment Authority in matters relating to the establishment and modification of policies, priorities and procedures affecting the disposition of properties acquired through the certification process of the Committee.
- B. The City of Allentown's Community and Economic Development Department in matters relating to the provision of financial, advisory and technical rehabilitation assistance affecting reinvestment in properties acquired through the certification process of the Committee.
- C. Other municipal agencies in matters relating to the functions of such agencies affecting the acquisition, disposition and reinvestment in properties which have been or may be acquired through the certification process of the Committee.
- D. Appropriate agencies in matters relating to the disposition of publicly owned properties in the City.
- E. The Committee 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 by such agencies.

~~173.06 RULES AND REGULATIONS~~

~~Subject to the approval of the Mayor and Council, the Vacant Property Review Committee may enact its own rules and regulations pertaining to the carrying out of its duties. (12323 §6 10/18/78)~~

173.06 REUSE OF PROPERTY

- A. Residential and related use under this part shall include residential property for sale or rental and related uses, including, but not limited to, park and recreation areas, neighborhood community services and neighborhood parking lots.
- B. Acquisition and disposition of blighted property under this chapter 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 City of Allentown Building Safety and Standards and/ or the Redevelopment Authority shall transmit identification of the property to the Allentown Planning Commission and shall request a recommendation as to the appropriate reuse of the property.
- C. The Redevelopment Authority shall not acquire the property where the Planning Commission certifies that disposition for residential or related use would not be in accord with the Comprehensive Plan of the City.
 - 1. Property disposed of within a designated redevelopment area shall be disposed of under a redevelopment contract in accordance with the provisions of Urban Redevelopment Law (Act of May 24, 1945, P.L. 991 et seq.), as amended.
 - 2. 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.

173.07 COMMITTEE MEMBERS

The Committee shall consist of Five (5) Members and Two (2) Alternates.

- A. One Member from City Council: To run concurrent with member's City Council Term.
- B. One Member of the Planning Commission: To run concurrent with member's Planning Commission Term.
- C. One Member from The Allentown Redevelopment Authority: On going term and to run concurrent with Redevelopment Authority Term.
- D. Two (2) additional Members and Two (2) Alternates shall be appointed by the Mayor, with the advice and consent of City Council.
 - 1. The term of the first Member shall serve, originally, for a term of (2) years and the term of the other Member shall serve for a term of four (4) years.
 - 2. As the terms of office of each of the original Members of the Board expires, their successors shall be appointed for a term of four (4) years.
 - 3. The term of the first Alternate Member shall serve, originally, for a term of (2) years and the term of the other Alternate Member shall serve for a term of four (4) years.
 - 4. As the terms of office of each of the original Alternate Members of the Board expires, their successors shall be appointed for a term of four (4) years.

E. The Mayor may remove any or all members of the board for official misconduct or neglect of duty and may fill any vacancy for any expired term with the approval and consent of Council.

F. The Committee shall establish its own bylaws, elect officers, and adopt procedures for conducting business. All bylaws and procedures shall be submitted to City Council for review. Bylaws and procedure become effective upon Council adopting a resolution approving the bylaws or procedures.

G. Any member may be removed for misconduct or neglect of duty or for other just cause by approval of City Council. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the Mayor in writing when a member has failed to comply with this attendance policy. Following such notification, The Mayor may remove the member and ask the Committee to seek applicants to fill the vacant position.

173.08 CONFLICT WITH ANY OTHER LAWS

Should any provision set forth in this Ordinance be found to conflict with any laws of Federal or Local Government, Such Laws shall govern, and this Ordinance shall be construed accordingly. Such Conflict shall not affect the validity of the Ordinance.

173.09 COMPLIANCE

Once a Certificate of Occupancy is obtained by the owner or agent of the Owner, from the City of Allentown's Building Safety and Standards Department, the Property will be removed from the list of properties certified as blighted and no further action will be taken.

SECTION TWO: That this ordinance shall 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.

LEGISLATIVE TEMPLATE

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

CED - Allentown Redevelopment Authority

- **Summary and Facts of the Bill**

Amend Ordinance #12323 due to the new Urban Redevelopment Law.

- **Purpose — Please include the following in your explanation:**
 - **What does the Bill do — what are the specific goals/tasks the bill seek to accomplish**
 - **What are the Benefits of doing this/Down-side of doing this**
 - **How does this Bill related to the City's Vision/Mission/Priorities**

The Allentown Redevelopment Authority was required to update their ordinance to accommodate the changes and additions to the Urban Redevelopment Law. These changes have been carefully reviewed by the City's Assistant Solicitor.

- **Financial Impact — Please include the following in your explanation:**
 - **Cost (Initial and ongoing)**
 - **Benefits (initial and ongoing)**

There is no financial impact to the City.

- **Funding Sources — Please include the following in your explanation:**
 - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

There is no financial impact to the City.

- **Priority status/Deadlines, if any**

- **Why should Council unanimously support this bill?**

These changes to the ordinance are required to be current with Urban Redevelopment Law.