

CITY COUNCIL OF ERIE

INTRODUCED BY: MR. NELSON

COUNCIL FILE NO. 16,328 OFFICIAL ORDINANCE NO. 3-2023

An Ordinance requiring the registration and maintenance of vacant and foreclosure properties located in the City of Erie

WHEREAS, City Council desires to protect the public health, safety, and welfare of the citizens and maintain a high quality of life for the citizens of the City through the maintenance of structures and properties in the City; and

WHEREAS, the City Council recognizes vacant properties and properties subject to foreclosure action or foreclosed on located throughout the City lead to a decline in community and property value; create nuisances; lead to a general decrease in neighborhood and community aesthetic; create conditions that invite criminal activity; and foster an unsafe and unhealthy environment; and

WHEREAS, City Council has enacted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

WHEREAS, City Council recognizes in the best interest of the public health, safety, and welfare a more regulated method is needed to discourage property owners and mortgagees from allowing their properties to be abandoned, neglected or left unsupervised; and

WHEREAS, City Council has a vested interest in protecting neighborhoods against decay and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration requirements vacant and foreclosure properties located in the City of Erie

NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF ERIE, PENNSYLVANIA:

Section 1.

VACANT AND FORECLOSURE PROPERTY REGISTRATION AND MAINTENANCE

§ 1.1. 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 properties and those subject to mortgage foreclosure located within the City and to identify and regulate such 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 foreclosure properties.

§ 1.2. 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.

CITY CODE

All applicable provisions of the Codified Ordinances of Erie, Pennsylvania, as amended from time to time ("City Code").

ENFORCEMENT OFFICER

Any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector, or other person authorized by the City to enforce the City Code.

FORECLOSURE ACTION

A legal action of mortgage foreclosure filed by a lender in a court of competent jurisdiction.

FORECLOSURE PROPERTY

Any real property located in the City, whether vacant or occupied, that is subject to a mortgage foreclosure action filed by a lender in a court of competent jurisdiction or where title to the property has been transferred to a lender under a deed in lieu of foreclosure or other such conveyance of title to a lender. The designation as a "foreclosure property" shall remain in place until such time as the property is sold or transferred to a new owner, other than a lender, or when the foreclosure action has been withdrawn or concluded in favor of the mortgagor as evidenced by court records.

LENDER

Any person, bank, trust company, credit union, trust or any other legal entity or other party that holds a mortgage or security interest against any real property located within the City.

MORTGAGE FORECLOSURE ACTION

A legal action of mortgage foreclosure filed by a lender in a court of competent jurisdiction.

OWNER

Any person, legal entity or other party having any ownership interest, whether legal or equitable, in real property. This term shall also apply to any person, legal entity or agent responsible for the construction, maintenance or operation of the property involved.

PROPERTY MANAGEMENT COMPANY

A local property manager, property maintenance company or similar entity responsible for the maintenance of a foreclosure property.

VACANT

A building or structure shall be deemed to be vacant if no person or persons actually currently conducts a lawfully licensed business or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s) or owner-occupants or tenant(s) on a permanent, non-transient basis.

§ 1.3. Applicability.

These sections 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.

§ 1.4. Establishment of a registry.

The City or designee shall establish a registry cataloging each vacant and foreclosure property within the City, containing the information required by this chapter.

§ 1.5. Registration of vacant and foreclosure properties.

A. Vacant property

1. Each owner of any building or structure located on real property that has been vacant for more than 180 consecutive days shall register the property with the Office of Code Enforcement, or designee, on forms or website access provided by the City.

2. Registration pursuant to this section shall contain the name and direct mailing address of the owner or the property.

3. A nonrefundable registration fee in the amount of \$300 shall accompany the registration form or website registration, and said amount shall be paid by the owner every six months thereafter until such time as the property is no longer subject to registration as set forth in § 1.5A4. The registration fee shall not be prorated.

4. Properties subject to this section shall remain under the registration and fee requirement and the inspection, security and maintenance standards of this chapter until such time as the property is sold or transferred to a new owner.

5. Any change of information contained in the registration within 10 days of the change.

6. Failure of the owner to properly register or to update the registration form from time to time to reflect a change of circumstances as required by this section is a violation of this section and shall be subject to enforcement.

7. Pursuant to any administrative or judicial finding and determination that any property is in violation of this section, the City may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.

B. Foreclosure property.

1. Any lender who holds a mortgage or other security interest on real property located within the City shall perform an inspection of the property to determine vacancy or occupancy, upon the filing of a mortgage foreclosure action against the property. The lender shall, within 10 days of the inspection, register the property with the Office of Code Enforcement, or designee, on forms or website access provided by the City, and indicate whether the property is vacant or occupied. A separate registration is required for each foreclosure property, whether it is found to be vacant or occupied.

2. If the property is occupied, it shall be inspected monthly by the lender or its designee to verify continued occupancy. If the property becomes vacant or shows evidence of vacancy, the lender shall, within 10 days of that inspection, update the property registration to a vacancy status on forms provided by the City.

3. Registration pursuant to this section shall contain the name of the lender and mortgage servicer, the direct mailing address of the lender and the mortgage servicer, a direct contact name and telephone number for both parties, a facsimile number and email address for both parties, the folio or tax number, and the name and twenty-four hour contact phone number of the property management company responsible for the security and maintenance of the property.

4. A nonrefundable registration fee in the amount of \$300 per foreclosure property shall accompany the registration form or website registration, and said amount shall be paid by the lender every six months thereafter until such time as the property is no longer subject to registration as set forth in § 1.5B7. The registration fee shall not be prorated.

5. All registration fees must be paid directly from the lender or its designated mortgage servicer. Third-party registration fees are not allowed without the consent of the City and its authorized designee.

6. This section shall also apply to properties where title to the property has been transferred to a lender under a deed in lieu of foreclosure or other such conveyance of title to a lender.

7. Properties subject to this section shall remain under the registration and fee requirement and the inspection, security and maintenance standards of this chapter until such time as the property is sold or transferred to a new owner, other than a lender, or when the foreclosure action has been withdrawn or concluded in favor of the mortgagor as evidenced by court records.

8. Any lender that has registered a property under this section must report any change of information contained in the registration within 10 days of the change.

9. Failure of the lender to properly register or to update the registration form from time to time to reflect a change of circumstances as required by this section is a violation of this section and shall be subject to enforcement.

10. Pursuant to any administrative or judicial finding and determination that any property is in violation of this section, the City may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.

§ 1.6. 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 newspapers, 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 abandoned.

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 City Code.

D. Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.

E. Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.

F. 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 City Code.

G. The property is required to be maintained in accordance with the City Code.

§ 1.7. 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 foreclosure property may become vacant, a property manager shall be designated by the lender to perform the work necessary to bring the property into compliance with the City Code, and the property manager must perform regular inspections to verify compliance with the requirements of this chapter and any other applicable laws.

§ 1.8. Inspections for violations.

Adherence to this chapter does not relieve any person, legal entity or agent from any other obligations set forth in the City Code which may apply to the property. Upon transfer of title of a vacant or foreclosure property to a new owner, the new owner shall be responsible for all violations of the City Code, and the new owner shall be responsible for meeting the City's Code Enforcement Office within 20 days of the date of transfer for a final inspection report, and the new owner shall abate all violations cited in the inspection report within 45 days of the date of the report.

§ 1.9. 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, lender or new owner.

B. The enforcement officer shall have the authority to require the owner, lender or new owner of record of any property affected by this chapter 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. 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, then the enforcement officer may recommend that the City abate the violations, and the City may abate the violations and charge the owner, lender or new owner with the cost of the abatement.

D. If the owner, lender or new owner does not reimburse the City for the cost of temporarily securing the property or of any abatement thereof within 30 days of the City sending an invoice, then the City may lien the property with such cost, along with an administrative fee of \$500 to recover the administrative personnel services.

§ 1.10. Immunity of enforcement officer.

Any enforcement officer or any person authorized by the City to enforce the provisions of this chapter 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.

§ 1.11. Penalties, schedule of civil penalties.

Any person who shall violate the provisions of this chapter may be cited and fined a civil penalty of \$500 pursuant to the City Code and Pennsylvania Statutes.

Section 2. That all ordinances or parts thereof conflicting herewith, be and the same are hereby repealed.

Section 3. That this Ordinance shall become effective March 1, 2023, after final passage and approval by the Mayor.

We do hereby certify that the within Ordinance was finally passed by the Erie City Council on JAN 18 2023, 2023.

Attest: [Signature]
City Clerk

[Signature]
President of Council

JAN 18 2023

THIS ORDINANCE APPROVED THIS 18th DAY OF January, 2023.

[Signature]
Mayor, City of Erie
jws