



CITY OF BETHLEHEM
OFFICE OF THE CITY SOLICITOR

INTEROFFICE MEMORANDUM

To: Louise M. Kelchner, City Clerk
CC: The Honorable Robert J. Donchez, Mayor; W. Alexander Karras, Chief of Staff
From: Edmund J. Healy, Esquire, Assistant City Solicitor
Re: proposed amendments to Article 149 relating to blighted properties
Date: July 20, 2016

Please find attached proposed ordinance to amend Article 149 of the Codified Ordinances. Please place this proposed ordinance and Interoffice Memorandum on City Council's agenda for review and appropriate action.

SUMMARY:

This proposed ordinance is intended to substantially streamline and simplify the process for declaring a property blighted. It been fully and favorably vetted by the relevant City Departments, Redevelopment Authority, Blighted Properties Review Committee, and Planning Commission.

- I. Definition of blight is unchanged: The ordinance will still apply to blighted properties as defined by state law, which definition is not changing.
 - A. Any property which is unoccupied or whose occupancy is not authorized by the owner.
 - B. An unimproved lot can be considered if there is an 6-month old unpaid demolition lien or any 6-month old violation of any property maintenance, building or related codes.
 - C. Can apply to residential, commercial, and industrial structures and properties.

- II. Process
 - A. City officials and departments shall initiate proceedings by bringing evidence to Planning Commission ("PC"). These officials/departments are encouraged, but not required, to give advance notice to the property owner of those PC proceedings (Why: these are advisory comments only at this time).
 - B. Scope of PC Meeting: The PC meets for the purposes of making two recommendations:
 - (1) whether property preliminarily appears to be blighted; and
 - (2) to furnish planning recommendations for possible future uses.

 - C. If PC makes such determinations, then formal notice of future proceedings in front of the Blighted Properties Review Committee ("BPRC") shall be given as follows:
 - (1) posting a copy thereof in a conspicuous place at the subject property; AND

(2) by hand delivery –OR– mailing a copy to the mailing address for the owner shown in the online Assessment Office records, or such other address and/or agent as may be designated by such owner.

(a) Certified mailing with proof of receipt; service is complete upon delivery.

(b) If unclaimed or refused, then ordinary mail is okay and service is complete if the mail is not returned within 15 days after mailing.

(c) If ordinary mail is refused or unclaimed, then such proceedings and deadlines shall proceed as though actual service by mail had been accomplished so long as proof of the efforts made to make the required service is included in the records of BPRC.

D. Scope of BPRC Hearing: The BPRC receives the recommendation of the PC and hears the evidence of blight from witnesses who can then be cross-examined by the property owner, the public, and the BPRC itself. The owner also has a corresponding opportunity to present evidence and a remediation plan, subject to similar cross-examination. If a majority of the BPRC determines that a property is blighted, it shall send an order and notice to the property owner indicating the following:

(1) the determination that the property is blighted;

(2) the requirement to eliminate the conditions causing the blight within the stated period of time;

(3) that failure to eliminate the conditions causing the blight within the stated period of time may render the property subject to condemnation under the Urban Redevelopment Law.

(4) that the Order and Notice constitutes an “adjudication” under the Local Agency Law which can be appealed within 30 days to county court.

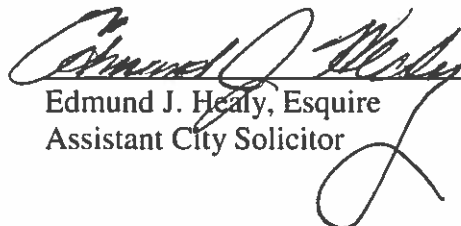
NOTE: This Order and Notice is to be served in the same manner as the advance notice of the BPRC hearing.

E. Automatic Certification: A property is automatically deemed certified as blighted to the Redevelopment Authority (“RDA”) if any of the following occurs:

(1) the time period for appeal has expired and no appeal has been taken; or

(2) if an appeal is taken and the determination of blight survives the appeal process, but the owner fails to comply with the Order of the BPRC, as affirmed or modified through the judicial appeal process.

F. RDA Proceedings: The RDA proceedings will remain unchanged. Upon receipt of a deemed certification for a blighted property and the prior PC recommendations, the RDA may acquire the property by purchase, gift, bequest, eminent domain, or otherwise in order hold, clear, manage and/or dispose of the property for residential, commercial, and/or industrial reuse.


Edmund J. Healy, Esquire
Assistant City Solicitor