

**RULES AND REGULATIONS TO GOVERN PROCEDURES
OF THE CUMBERLAND COUNTY
BLIGHTED PROPERTY REINVESTMENT BOARD**

I. NAME

Cumberland County Blighted Property Reinvestment Board (hereinafter the “Board”).

II. AUTHORIZATION

The authorization for the establishment of the Board is provided for in the Urban Redevelopment Law, 1945, May 24, P.L. 991, as amended by Act 94 of 1978, Act 39 of 1988, Act 58 of 1996, and Act 2002-113. Pursuant to the Urban Redevelopment Law, the Board of Commissioners of the County of Cumberland enacted Ordinance 99-1, as amended by Ordinance 2003-1, which established the Board and which further authorized the Board to adopt rules and regulations.

III. BOARD MEMBERS

Section 1: The Board shall consist of seven (7) members, as follows:

- A. One (1) member of the Board of Commissioners.
- B. The Chairman of the Redevelopment Authority of the County of Cumberland (hereinafter the “Redevelopment Authority”) or his/her designee.
- C. One (1) member of the Cumberland County Planning Commission (hereinafter the “County Planning Commission”) as appointed by the County Planning Commission’s Chairman.
- D. Four (4) members to be appointed by the Board of Commissioners, with the selection of the members to be made after due consideration for providing membership on the Board from the various geographic regions of the County of Cumberland.

Section 2: Members shall serve for a term of three (3) years dating from January 1 of the year of their appointment and shall continue their membership until December 31 or until their successors have been selected and qualified. Provided, however, that the initial Members as identified in Section 1.A.B. and C., shall serve for a term of one (1) year and Members appointed by the Board of Commissioners in Section 1. D. shall serve as follows: two (2) years for two members, so appointed, and three (3) years for two members, so appointed.

IV. DESIGNATION OF OFFICERS

Section 1: **Chairperson** - The Chairperson or in the absence of the Chairperson, the Vice Chairperson, shall preside at all meetings of Board and shall perform such other duties as may from time to time be requested by the Board.

Section 2: **Vice Chairperson** - The Vice Chairperson shall preside at meetings of the Board in the

Chairperson's absence and shall perform such other duties as may from time to time be requested by the Board.

Section 3: **Secretary** - The Secretary of the Board shall be the Executive Director of the Redevelopment Authority of Cumberland County or his/her designee and shall prepare the agenda of regular and special meetings, provide written notice of all meetings to Board members, arrange for proper and legal notice of hearings, attend to correspondence of the Board and perform such duties as are normally carried out by the Secretary.

Section 4: Chairperson and Vice Chairperson shall serve for a term of one (1) year and be members of the Board. They shall be elected by the members annually at the first regular meeting of the Board in each calendar year.

Section 5: Vacancies in office shall be filled immediately.

V. MEETINGS

Section 1: Regular meetings shall be held bi- monthly at a time and place designated by the Chairperson.

Section 2: A quorum for Board meetings shall consist of four (4) members. Binding action shall require the vote of a majority of Board members present.

Section 3: Special meetings may be called by the Chairperson or on request of a majority of the Board, provided they are called according to the Sunshine Law and that at least three (3) days written notification of the scheduling of the meeting is provided to all Board members.

Section 4: All meetings shall be open to the general public; however, the Board may meet in closed session for discussion purposes pursuant to the Sunshine Law. Any meeting may be held by telephone conference call by means of which all persons participating in the meeting can hear each other.

Section 5: Unless otherwise specified by a majority vote of a quorum of Board members, Roberts Rules of Order shall govern the proceedings at the meetings of the Board.

VI. ORDER OF BUSINESS

Section 1: The order of business for meetings shall be as follows:

- A. Call to order
- B. Approval of Minutes of previous meeting
- C. Correspondence
- D. Old Business
- E. New Business
- F. Rehab Agreements
- G. Properties on Track
- H. Other Business
- I. Public Comment Period
- J. Adjournment

Section 2: Removal of any agenda items shall require the vote of the majority of Board members present.

VII. BUSINESS PROCEDURES

- Section 1:** An official agenda of regular Board meetings shall be prepared and sent either by mail or electronically as requested to Board members at least one (1) week prior to the meeting date. Property reports of properties to be considered by the Board shall accompany the agenda.
- Section 2:** All business received after the one (1) week cut off shall be considered as other business.
- Section 3:** Special meeting called by the Board shall cover only the items which have been scheduled in advance for the specific meeting.

VIII. OPERATING PROCEDURES

- Section 1:** **Referral of Eligible Properties** - Potentially-eligible properties for certification by the Board as blighted may be presented to the Board by any borough, or township (hereinafter "Local Municipality") within Cumberland County. The Local Municipality shall provide the following information using the Board's property referral form at the time the subject property is referred to the Board:
- A. Property address and ownership information
 - B. Date of last known occupancy
 - C. Documentation of the observed blight conditions, pursuant Article IX, present on the property, including photographs.
 - D. Listing of municipal housing, building or zoning code violations on the subject property.
 - E. Documentation of the efforts made by the Local Municipality to have the property owner remove any conditions of blight, including enforcement of cited code violations prior to submitting the property to the Board.
- Section 2:** **Property Owner Notification Letter** – The Board will review the property certification form submitted by the Local Municipality and determine if the property is eligible for the program. If the Board determines the property is eligible, a letter is sent by the Local Municipality via both regular and certified mail to the owner or its designated agent for service of notices within the county. The letter explains what action needs to be taken by the property owner to eliminate any blight and the dates by which certain actions must be taken and the date by which complete elimination of the blight must occur. The letter does not constitute official action by the Board, but is only a notice of the fact that the Board may deem the property to be a Blighted Property, as that term is defined in Ordinance 99-1, as amended by Ordinance 2003-1.
- Section 3:** **NOTICE OF BLIGHT** -
- A. The Local Municipality will meet with the Board at the next scheduled Blighted Property Reinvestment Board meeting immediately following the date scheduled for complete elimination of all blight in accordance with the Property Owner Notification Letter. The Certification Form is evaluated and, if the property owner has failed to eliminate the blight

conditions, the subject property is declared blighted and a Blight Determination Resolution (hereinafter the "BDR") is adopted by the Board.

B. The Local Municipality shall then provide notice of the adoption of the BDR, as follows: (i) Delivered personally; (ii) sent by mail, both certified, return receipt requested, and first class mail addressed to the last known address of the owner or an agent designated by the owner for receipt of service of notices within Cumberland County; (iii)

C. a copy thereof shall be posted in a conspicuous place in or about the property affected by the BDR and (iv) advertised in the legal section of the local newspaper

D. In the BDR, the property owner's rights are explained to them. The BDR shall specifically advise the owner of the steps that are to be taken to remedy the blighted condition of the property and of the fact that the failure of the owner to remedy the blighted condition may cause the property to be subject to condemnation. The property owner shall further be advised that it may request a hearing before the Board to seek a review of the determination. Said request for a hearing shall be made in writing to be received by the Board no more than thirty (30) days from the later of the date of the property owner's receipt of the BDR or, if required, the date of posting upon the property pursuant to Section 3 B. A request for a hearing shall be accompanied by a check in the amount of \$350.00, made payable to the Redevelopment Authority of Cumberland County.

E. In the event the owner of said property decides to comply and remedy the blighted conditions of the property, he must provide to the Board, within thirty (30) days of the property owner's receipt of the BDR, a rehabilitation plan in significant detail to show how the blighted conditions will be removed along with the estimated cost of rehabilitation. The removal of the blighting influences must occur within a six (6) month period from the date of the Board's acceptance of the plan. A deposit of ten per cent (10%) of the estimated rehabilitation cost or \$1,000, whichever is less, is required to be posted with the Board along with the rehabilitation plan before the plan will be accepted. If the Board accepts the rehabilitation plan, it will take no further action against the subject property, provided the owner diligently carries out the rehabilitation plan. Prior to acceptance of the rehabilitation plan, the Board shall be satisfied that: (1) the rehabilitation plan will remedy the blighted conditions identified in the BDR, (2) the rehabilitation plan will remedy the existing municipal housing and other applicable code violations for which prior notice of violation thereof has been provided to the property owner by the municipality, and (3) a building permit can be issued by the municipality for the work contemplated to the property owner. Upon completion of the rehabilitation plan the deposit shall be refunded to the property owner. If the rehabilitation plan is not completed then the deposit shall be forfeited and the property is returned to the Board where the steps for a Second Resolution, as provided for in Section 9, will be followed.

Section 4: Hearing Before the Board -

A. Upon receipt of a written request for a hearing from a property owner, the Board shall provide written acknowledgment to the property owner of the request for a hearing and of the scheduling of the hearing. Notice of the time and place of the hearing shall be given not more than fourteen (14) and not less than seven (7) days in advance of any hearing. The Board shall publish such notice for two consecutive days in a newspaper of general circulation in Cumberland County.

B. The Chairman shall select a Hearing Panel to be comprised of three (3) members of

the Board, not to include however the Redevelopment Authority or County Planning Commission representative, and shall select a chairperson for the Hearing Panel.

C. At the hearing before the Hearing Panel, the Local Municipality shall present the evidence of blight and shall be subject to cross examination by the property owner or his representative. The property owner shall be afforded an opportunity to present evidence in defense of the determination that blight exists and shall be subject to cross examination by the Local Municipality.

D. The Board shall keep a record of the Proceedings of any hearing, either stenographically or by sound recording. A transcript of the proceeding and copies of graphic or written material received during any hearing shall be made available to any person at their cost.

E. At the conclusion of the hearing, the Hearing Panel shall render a decision as to whether the property is deemed a Blighted Property, as that term is defined in Ordinance 99-1, as amended by Ordinance 2003-1. The decision of the Hearing Panel shall be deemed a final decision of the Board. Any appeals from the decision of the Board may be to the Court of Common Pleas and made pursuant to provisions of the Local Agency Law, 1978, April 28, P.L. 202 No. 53, as amended.

Section 5: Public Notice - Public notice of the BDR shall be deemed satisfied if the BDR is published in a newspaper of general circulation in Cumberland County. Notarized proof of publications shall be retained by the Local Municipality.

Section 6: Certification of Service - Posting - A certificate of service - posting is completed when the property is posted. The property is to be posted by the Local Municipality and is to be done in a manner so as to keep the posting in place for a period of ten (10) days, and can only be removed by tearing it off. A posting certification is to be filed with the Board Secretary.

Section 7: Certificate of Service - Personal Delivery - A certificate of service - Personal Delivery is completed when the BDR is hand delivered to the owner of said property or his authorized agent. A hand delivery certification is to be retained by the Board Secretary.

Section 8: Rehabilitation Agreement - This Agreement is provided to the owner by the Board upon acceptance by the Board of owner's rehabilitation plan. All conditions of blight must be addressed and timed elements stated for each violation. This document is signed by a Board member, the owner of said property, and notarized.

Section 9: Request to County Planning Commission and Municipal Planning Commission - If after thirty (30) days from the date of publication of the BDR advertised notice in the legal section of the local newspaper : (i) the property owner has failed to timely request a hearing before the Board, or (ii) the property owner has exhausted all appeals, and no Rehabilitation Agreement has been entered into with the Board, the Board Secretary or his/her designee is authorized to transmit to the to the County Planning Commission and the local municipal planning commission (the "Municipal Planning Commission"), if any, for the municipality in which the property is located the BDR and blight documentation and to request that the County Planning Commission and the Municipal Planning Commission determine whether the property is a Blighted Property and, if so, certify said Blighted Property to the Redevelopment Authority. The Redevelopment Authority shall, likewise, be provided with a copy of the BDR.

Section 10: Redevelopment Authority Action – After receiving a certified property from the Board, the Redevelopment Authority may take any of the following actions dependent upon the resources available at that time:

- A. Do nothing.
- B. Coordinate with the Local Municipality to find an interested private buyer.
- C. Attempt to find an interested private buyer.
- D. Secure ownership of the property using eminent domain, remove the blighted conditions, and offer the property for sale.

IX. BLIGHTED PROPERTY DEFINITION

Any property referred to the Board must be vacant and include at least one of the following criteria to be considered a blighted property:

1. Any 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 local housing, building, plumbing, fire and related codes.
2. Any 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. Any dwelling which because it is dilapidated, unsanitary, unsafe, vermin infested, or lacking in the facilities and equipment required by the Housing Code of any municipality, has been designated by the department responsible for enforcement of the Code as unfit for human habitation.
4. Any structure which is a fire hazard, or is otherwise dangerous to the safety of persons or property.
5. Any structure from which the utilities, plumbing, heating, sewage, or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.
6. Any vacant or unimproved lot or parcel of ground in a predominately 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. Any property which is vacant, which has not been rehabilitated within one year of the receipt of notice to rehabilitate from a municipal code enforcement agency.
8. Any abandoned property. A property shall be considered abandoned if:
 - a. It is a vacant or unimproved lot or parcel of ground on which a municipal lien for the cost of demolition of any structure located on the property remains unpaid for a period of six months;
 - b. It 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 any other type of claim of the municipality are in excess of 150% of the fair market value of the property as established by the Cumberland County Tax Assessment Office; or

- c. The property has been declared abandoned by the owner, including an estate that is in possession of the property.

X. STAFF

The Board may retain its own staff; however, the Board shall have available to it such staff as the Authority can provide.

X. AMENDMENTS

These rules and regulations may be amended by a majority vote of the entire membership of the Board.