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# Town of Manchester

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**TO:** Planning and Development Committee  
Task Force to Examine Procedural Problems and  
Addressing Blight at the Municipal Level

**FROM:** Mark Pellegrini, Director of Neighborhood Services  
and Economic Development, Town of Manchester

**DATE:** October 29, 2013

The Honorable Steve Cassano, Chair; and the Honorable Auden Grogins, Vice Chair:

Thank you for the opportunity to discuss the challenges municipalities face when addressing blighted property conditions, and to offer a few suggestions for your consideration.

Blight covers a wide variety of conditions to residential and commercial property, both land and buildings. When left unaddressed they threaten the health and safety of occupants, create attractive nuisances, and have a negative effect on neighbors and on neighborhood property values and aesthetics and the general sense of security and well-being of neighborhood residents and others who witness these conditions.

There are a range of possible enforcement remedies available as summarized in the Office of Legislative Research report to the task force dated October 16, 2013. Manchester has a property maintenance code (based on BOCA), a public nuisance ordinance, building and fire codes, and zoning and health codes and regulations to address various conditions. Each has different definitions, enforcement procedures and penalties depending in part on statutory provisions which govern their adoption and use. Since 1996, the Town of Manchester has had a sustained, coordinated interdepartmental approach to dealing with problem properties that violate its codes or are considered blighted properties. This team includes staff from the planning, zoning, building, fire, police, and health and the Town Attorney's offices.

Problem property conditions exhibit varying degrees of blight or nuisance and are widely distributed throughout the community, and as such can have a much more negative impact than their numbers alone would indicate because of their effect on surrounding properties and



neighborhoods. In those cases where violations are relatively minor and easy to remedy such as trash, tall grass, or minor peeling paint, the code violations can often be rectified quickly. More persistent problems are found in properties where the condition is very poor, where the systems involved are in serious disrepair, or where an accumulation of minor violations taken together constitute blight. Often the owners of these properties are unwilling or unable to invest in the necessary repairs or the properties are vacant.

In some extreme instances the Town has been able to use its public nuisance ordinance and remedy the condition itself, including in one case the demolition of a structure, and file a lien on the land records to recoup the costs at the time of sale of the property.

Another source of frustration involves those cases where the responsible party cannot be found and served. Since approximately 2008 properties that are in, or will be, going through a foreclosure process have been increasingly problematic. In many instances the record owner cannot be located and served notice of violation. Mortgage holders move at their own pace to decide whether to foreclose on a property. In some instances a mortgage holder transfers ownership or responsibility to another entity, and the enforcement process must start over. This results in extended periods of time when no enforcement or remedial action occurs.

In those instances when a party fails to comply enforcement is carried out through the housing session of the criminal court. The cases may be extended for lengthy periods of time without a resolution depending on the familiarity of the prosecutor and judge with blight and property related laws and local ordinances, and the judgment of the court or prosecutor on the relative priority of blight cases given the Courts overall caseload. Property conditions continue to deteriorate while the process is moving forward. Further complicating matters are the different laws, penalties and remedies that may apply to a given case.

Beside code enforcement, there are a number of statutory provisions which allow municipalities to fund or incentivize the rehabilitation and/or acquisition of blighted properties. These methods require that municipal financial resources are available.

Based on Manchester's experience we submit the following suggestions for the task force's consideration:

- Consider a uniform, state-wide property maintenance and blight code. Standardizing definitions, enforcement processes, fines, penalties, and remedies would simplify enforcement and build expertise at the municipal and judicial level around these cases.
- Consider a separate housing court focused on blight, foreclosure, and closely related codes and laws. This would build expertise and could streamline the enforcement process. If not a dedicated housing court, consider appointing housing court specialists for blight cases similar to those assigned to eviction cases to expedite enforcement.

- Examine the foreclosure statutes and procedures with an eye toward identifying circumstances where an expedited foreclosure process is warranted. In particular, situations where the property is vacant and abandoned by any occupants, the mortgage holder is in a position to foreclose, and there are serious slum and blight conditions associated with the property.
- Examine the State's redevelopment statutes and consider provisions that would allow for "spot" removal of blighted properties. Perhaps the municipal agency could be empowered to establish definitions, conditions, and criteria when the agency could acquire blighted properties outside of a redevelopment area but consistent with a master policy (versus a master plan). The use of eminent domain, if necessary, would expedite acquisition, rehabilitation, and resale of blighted properties.
- Consider streamlining the procedures surrounding the citation process, including allowing municipalities to share hearing officers for citation appeals as opposed to requiring each municipality to have its own officers, and allowing liens to be filed on the land records to collect citation fines. Regional hearing officers could also be used as a mediator provided the procedures and codes are uniform.
- Facilitate the use of liens recorded on the land records to recoup costs incurred to eliminate blighted conditions or to recover the citation penalties which have accumulated on the property. If the cost of the violations was attached to the property in this manner, there should be more incentive for owners' to respond to orders to correct violations.

Again, we appreciate the task force's time to look into what is an admittedly complicated issue involving property rights and the public interest. All the best on your efforts.

Respectfully Submitted,



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Town of Manchester