

**RULES AND REGULATIONS TO GOVERN PROCEDURES
OF THE LUZERNE COUNTY
BLIGHTED PROPERTY REVIEW COMMITTEE**

I. NAME

Luzerne County Blighted Property Review Committee (hereafter the “Committee”)

II. AUTHORIZATION

The authorization for the establishment of the Committee is proved 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 Luzerne County Council enacted Ordinance 2016-06 on June 28, 2016, which established the Committee and which further authorized the Committee to adopt rules and regulation.

III. COMMITTEE MEMBERS

Section 1: The Committee shall consist of five (5) members, as follows:

- A. One (1) member of the County Council.
- B. The County Manager or his/her designee.
- C. One (1) member of the Luzerne County Planning Commission (hereafter the “County Planning Commission”) as appointed by the County Council.
- D. One (1) member of the Luzerne County Redevelopment Authority (hereafter the “Redevelopment Authority”) as appointed by County Council.
- E. One (1) citizen from the general public as appointed by County Council.

Section 2: Members shall serve staggered terms dating from September 15, 2016 according to the schedule or until a successor has been selected and qualified by County Council pursuant to Section 8.02 (A) of the Charter:

- A. Member of County Council: 2 years
- B. County Manager or designee: ongoing
- C. Member of Planning Commission: 4 years (to run concurrent with Planning Commission term)
- D. Member of Redevelopment Authority: 4 years (to run concurrent with term of Redevelopment Authority term)
- E. Citizen: 2 years

IV. DESIGNATION OF OFFICERS

Section 1: Chairman

The Chairman or in the absence of Chairman, the Vice Chairman, shall preside at all meetings of Committee and shall perform such other duties as may from time to time be requested by the Committee.

Section 2: Vice Chairman

The Vice Chairman shall preside at meetings of the Committee in the Chairperson's absence and shall perform such other duties as may from time to time be requested by the Committee.

Section 3: Secretary

The Secretary of the Committee shall prepare the agenda of regular and special meetings, provide written notice of all meetings to Committee members, arrange for proper and legal notice of hearing, attend to correspondence of the Committee and perform such duties as are normally carried out by the Secretary. The Secretary may concurrently serve as Clerk to County Council or serve in another position with the Redevelopment Authority.

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

V. MEETINGS

Section 1: Regular meetings shall be held on the 4th Monday of the months of January, March, May, July, September, and November in the County Courthouse at 5pm.

Section 2: A quorum for Committee meeting shall consist of three (3) members. Binding action shall require the vote of a majority of Committee members present.

Section 3: Special meetings may be called by the Chairman on or upon request of a majority of the Committee, 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 Committee members.

Section 4: All meetings shall be open to the general public; however, the Committee may meet in closed session for discussion purposed pursuant to the Sunshine Law.

Section 5: Unless otherwise specified by a majority vote of a quorum of Committee members, Robert's Rules of Order shall govern the proceedings at the meetings of the Committee.

VI. ORDER OF BUSINESS

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

- A. Call to order
- B. Consent approval of minutes of previous meeting. (All meetings will be recorded audibly.)
- C. Hearings
- D. Correspondence
- E. Old Business
- F. New Business
- G. Public Comment

VII. BUSINESS PROCEDURES

Section 1: An official agenda of regular Committee meetings shall be prepared and communicated electronically to Committee members at least one (1) week prior to the meeting date. Property reports of properties to be considered by the Committee shall accompany the agenda and may be received by first class mail upon request of the member.

Section 2: All business received after the one (1) week cut off shall be considered as other business.

Section 3: Special meetings called by either the Chairman or Committee shall cover only the item(s) which has (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 Committee as blighted may be referred to the Committee by any borough or township (hereafter "Local Municipality") within Luzerne County, Pennsylvania. The Local municipality shall provide the following information using the Committee's property referral form (hereafter the "Referral Form") at the time subject property is referred to the Committee:

- A. Property address and ownership information
- B. Date of last known occupancy
- C. Documentation of the observed blight conditions, pursuant to Article IX, present on the property. Include photographs.

- D. Listing of municipal housing, building or zoning code violation 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 Committee.

Section 2: Property Owner Notification Letter

The Committee will review the property referral form submitted by the Local Municipality and determine if the property is eligible for the program. If the Committee determines the property is eligible, a letter is sent by the Committee via certified mail and first class mail to the owner or its designated agent for service of notices within Luzerne County, Pennsylvania. The letter shall explain what action needs to be taken by the property owner to eliminate any blight and shall provide for a reasonable time period for any action to be taken. The letter shall not constitute official action by the Committee but shall be only a notice of the fact that the Committee may deem the property to be a Blighted Property, as that term is defined in Ordinance 2016-06. A copy of the letter shall be sent to the Local Municipality and the Redevelopment Authority of the County of Luzerne. A Certificate of Service shall be maintained by the Secretary of the Committee as defined in Section IV.3.

Section 3: First Official Notice

- A. The Local Municipality shall meet with the Committee at the conclusion of the timeframe given to the property owner to eliminate the blight conditions. The Referral Form shall be evaluated and, if the property owner has failed to eliminate the blight conditions, the subject property shall be declared a Blighted Property and a Blight Determination Resolution (hereafter the “BDR”) shall be adopted by the Committee.
- B. The Committee shall then provide notice of the adoption of the BDR to the owner of the property, as follows:
 - i. delivered personally
 - ii. sent by mail, both certified, return receipt requested, and first class mail address to the last known address of the property owner or an agent designated by said owner for receipt of service of notices within Luzerne County or
 - iii. if the notice is returned showing that the notice was not delivered, a copy thereof shall be posted in a conspicuous place in or about the property affected by the BDR.
- C. **In the BDR, the property owner’s rights shall be explained to him. 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 Committee to seek a review of the determination. Said request for a hearing shall be made in writing to be received by the Committee no more than thirty (30) days from the posting upon the property pursuant to Section 3B above. A request for a hearing shall be made in writing accompanied by a check in the amount of \$350.00, made payable to the Redevelopment Authority of the County of Luzerne.

- D. In the event the owner of said property decides to comply and remedy the blighted conditions of the property, he must provide to the Committee, 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, together with the estimated cost of rehabilitation and timetable therefore. The removal of the blighted conditions must occur within the time period provided by the Committee, not to exceed a six (6) month period from the date of the Committee's acceptance of the plan, unless otherwise agreed to in writing by the Committee. A deposit of ten per cent (10%) of the estimated rehabilitation cost or one thousand dollars (\$1,000), whichever is less, shall be required to be posted with the Committee in the form of a money order, certified check or bank check, together with the rehabilitation plan before the plan may be reviewed. If the Committee accepts the rehabilitation plan, it will take no further action against the subject property, provided the owner diligently carries out the rehabilitation plan within the time frame set forth in the BDR. Prior to acceptance of the rehabilitation plan, the Committee 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 Local Municipality, and (3) a building permit, if required, has been issued by 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 shall be returned to the Committee where the steps for a Second Resolution, as provided for in Section 9, will be followed.

Section 4: Hearing before the Committee

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

- B. The Chairman shall select a Hearing Panel to be comprised of three (3) members of the Committee, not to include however the Redevelopment Authority or County Planning Commission representative, and shall select a chairman 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 against the determination that blight exists and shall be subject to cross examination by the Local Municipality and its representative.
- D. The Committee shall keep a record of the proceedings of any hearing by sound recording. A transcript of the proceeding or written material received during any hearing shall be made available to any person at cost of the stenographic services.
- 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 2016-06. Such written decision shall be sent to the owner of the property by certified mail, return receipt requested, and by first class mail. The decision of the Hearing Panel shall be deemed a final decision of the Committee. Any appeals from the decision of the Committee 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 Luzerne County. Notarized proof of publication shall be retained by the Secretary of the Committee as defined in Section IV.3.

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 Committee 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 Secretary of the Committee as defined in Section IV.3.

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 Secretary of the Committee as defined in Section IV.3.

Section 8: Rehabilitation Agreement

This agreement is provided to the owner of the property by the Committee upon acceptance by the Committee of said owner’s rehabilitation plan. All conditions of blight must be addressed and time periods for the correcting of each violation. This document shall be signed by the Chairman of the Committee or such other authorized officer or member of the Committee and the owner of said property, and shall be properly notarized.

Section 9: Request to County Planning Commission and Municipal Planning Commission

At such time as (i) the property owner has failed to timely request a hearing before the Committee, or (ii) the property owner has exhausted all appeals, and no Rehabilitation Agreement has been entered into with the Committee, then the Committee shall adopt a “Second Resolution” stating the property owner has been served with a notice of blight, has been notified of his/her right to appeal the determination, has failed to correct the violation(s) cited, and has not made satisfactory arrangements to the Committee to begin addressing the violations. Prior to adoption of the Second Resolution, the Local Municipality shall reinspect the property indicating that the violations cited have not been eliminated and that the property remains vacant, the results of which shall be provided in writing to the Committee. Upon adoption of the Second Resolution, the Committee shall transmit to the County Planning Commission and the Local Municipal planning commission (the “Municipal Planning Commission”) if any, the Second Resolution and request that the County Planning Commission and the Municipal Planning Commission determine the property is 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 Second Resolution and the Committee shall certify said Blighted Property to the Redevelopment Authority.

Section 10: Redevelopment Authority Action

After receiving written notification of a certified property from the Committee, the Redevelopment Authority may take any of the following actions depending 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 Committee 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 well 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 the Local Municipality, has been designated by the department responsible for enforcement of the Housing 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, sewerage, 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 (6) 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 Local Municipality are in excess of 150% of the fair market value of the property as established by the Luzerne 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 Committee may retain its own staff; however, the Committee shall have available to it such staff as the Redevelopment Authority or County Council can provide.

XI. AMENDMENTS

Rules and regulations may be amended by a majority vote of the entire membership of the Committee.