

# **RULES AND REGULATIONS TO GOVERN PROCEDURES OF THE LANCASTER COUNTY VACANT PROPERTY REINVESTMENT BOARD**

## **NAME**

Lancaster County Vacant Property Reinvestment Board (hereinafter the “Board”).

## **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. Pursuant to the Urban Redevelopment Law, the Board of Commissioners of the County of Lancaster enacted Ordinance 56, which established the Board and which further authorized the Board to adopt rules and regulations.

## **DEFINITIONS**

**Certification of Service-Posting** – Posting is completed when the notice is physically posted on the property. The property is to be posted by the Lancaster County Redevelopment Authority (hereinafter called the Redevelopment Authority) 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. This posting shall be photographed and the person doing the posting shall have his or her statement of completion of posting notarized and a certificate is to be filed with the Board Secretary.

**Certification of Service – Personal Delivery** – Personal Delivery is completed when the First Blight Determination Resolution (hereinafter referred to as 1<sup>st</sup> Resolution) is hand delivered to the owner of said property or his or her authorized agent. This hand delivery is to be witnessed and notarized and retained by the Board Secretary.

**Program** – The Program refers to the process of blight determination as outlined in this document.

**Public Notice** – Public notice of the 1<sup>st</sup> Resolution shall be deemed satisfied if the 1<sup>st</sup> Resolution is published in a newspaper of general circulation in Lancaster County. Notarized proof of publication shall be retained by the Board Secretary.

**Rehabilitation Agreement** – This Agreement is provided to the property owner by the Board upon acceptance by the Board of the owner’s rehabilitation plan. All conditions of blight must be addressed with cost estimates and completion dates for established benchmarks (ex., issuance of building permit, start of construction, 50% completion, full completion, etc.). This document is signed by a Board member, the owner of said property, and notarized.

**Rehabilitation Plan** – This plan is submitted by the property owner and must detail all identified conditions of blight along with cost estimates and completion dates for established benchmarks (ex.,

issuance of building permit, start of construction, 50% completion, full completion, etc.). See page 8 for more information on the Rehabilitation Plan.

### **BOARD MEMBERS**

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

One (1) member of the Board of Commissioners, or a designee, who is appointed by the Chairman of the Board of County Commissioners of the County of Lancaster.

The Executive Director of the Redevelopment Authority of the County of Lancaster or his/her designee.

One (1) member of the Lancaster County Planning Commission (hereinafter the "County Planning Commission") as appointed by the Commission's Chairman.

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 Lancaster.

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.

### **DESIGNATION OF OFFICERS**

Chairperson – the Chairperson or in the absence of the Chairperson, the Vice Chairperson, shall preside at all meetings of the Board and shall perform such other duties as may from time to time be requested by the Board

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.

Secretary – The Secretary of the Board shall be appointed 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.

The officers 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.

Vacancies shall be filled immediately.

## **MEETINGS**

Meetings shall be held monthly on the third Thursday.

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

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.

All meetings shall be open to the general public; however, the Board may meet in closed session pursuant to the Sunshine Law, for discussion purposes.

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.

## **ORDER OF BUSINESS**

The order of business for meetings shall be as follows:

- Call to Order
- Public Comment Period
- Approval of minutes of previous meeting
- Hearings
- Correspondence
- Old Business
- New Business
- Other Business

## **BUSINESS PROCEDURES**

An official agenda of regular Board meetings shall be prepared and distributed to Board members at least ten (10) days prior to the meeting date. Property reports of properties to be considered by the Board shall be posted online at [www.lchra.com/vprb](http://www.lchra.com/vprb) at least one week prior to the meeting date.

All business received after the ten (10) day cut off shall be considered as other business.

Special meetings called by the Board shall cover only the items which have been scheduled in advance for the specific meeting.

## STAFF

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

## OPERATING PROCEDURES

**Potentially-Eligible Properties** - At the direction of the Board, properties that are potentially-eligible for certification as blighted will be referred by the Redevelopment Authority. The Redevelopment Authority may obtain input from one of two sources:

1. Any borough or township (hereinafter "Local Municipality") within Lancaster County as to which properties may be potentially-eligible for certification as blighted.
2. Any chartered authority as to which properties may be potentially-eligible for certification as blighted

Property referrals will be submitted on a referral form that lists which of the seven elements of blight are triggered, background information on the property, including municipal actions to address the problem, along with pictures of the exterior of the property. The property referral from a Local Municipality must include a Submission Fee of \$750 in the form of a check made out to the Redevelopment Authority of the County of Lancaster. The Redevelopment Authority shall review the property referral form for completeness, including a detailed list of municipal decisions and citations. The Redevelopment Authority may decline acceptance into the Program if the municipality has not exerted an adequate effort to address the situation within the municipal laws in effect for that municipality.

**First Communication with Property Owner** - Staff will send a letter via both certified mail and regular mail to the owner of the referred property informing the owner of the referral to the Board and informing the owner of the date, time and location of the Board meeting where the property will be considered for acceptance into the program.

**Determination of Acceptance into the Program** – The Board reviews the property referral and if the property meets the definition of blight as defined in State law (see AUTHORIZATION on page 1.), the property is accepted into the Program.

**Property Fact Sheet** – A staff member of the Redevelopment Authority will inspect the exterior of the property and prepare a Property Fact Sheet which is based on the criteria of blight as defined by *Pennsylvania Urban Redevelopment Law* and Lancaster County Ordinance 56. The staff member shall not enter the property.

**Second Official Communication with Property Owner** – The Redevelopment Authority will send a letter including the Property Fact Sheet via both regular and certified mail to the property owner or its designated agent for service of notices within the county. The letter explains that the Board has

accepted the owner's property into the Program for potential determination of blight. 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 blighted as that term is defined in Ordinance 56. The property owner shall be given 21 calendar days (from the date of receipt as indicated on the certified mail response card) to submit a rehabilitation plan (described in detail on page 8) to remove the elements of blight. The rehabilitation plan must include the specific elements of blight identified in the Property Fact Sheet, along with cost estimates and an expected time of completion.

If no response is received by the property owner within 15 calendar days (and no certified mail response card is received or the regular mail is returned as undeliverable), the staff will attempt to deliver the letter through personal delivery if the property owner's whereabouts are known. If the property owner submits a rehabilitation plan, the staff will determine if the rehabilitation plan is adequate to address the elements of blight. If the plan is determined adequate, the property will be presented to the Board for provisional approval. If the staff determines that the rehabilitation plan is inadequate to address the elements of blight, the plan will be denied and the property owner will be advised of the reasons for denial.

If the property owner does not respond in the time frame provided or if the rehabilitation plan submitted is denied, the property will be presented to the Board for a 1<sup>st</sup> Resolution.

### **First Official Board Action**

The Board will review the property owner's rehabilitation plan and if it is deemed adequate to address the elements of blight and the cost estimates and time of completion are reasonable, the rehabilitation plan will be provisionally accepted. The property owner will be instructed to begin and complete negotiations with the Redevelopment Authority for the creation and execution of a Rehabilitation Agreement within twenty-one (21) calendar days.

If the Board does not provisionally approve the rehabilitation plan presented by the owner or there is no response from the owner in a timely manner, the 1<sup>st</sup> Resolution will be adopted by the Board.

**Third Official Communication with Property Owner** - The Board's Secretary shall then provide to the property owner the notice of the adoption of the 1<sup>st</sup> Resolution as follows: Mail a copy of the 1<sup>st</sup> Resolution to the property owner or agent designated by him or her for receipt of service of notices within Lancaster County through two concurrent methods: the 1<sup>st</sup> Resolution shall be sent via both certified mail, return receipt requested and U. S. Postal Service regular mail. In the event the certified mail is returned with notification by the postal authorities that the property owner or his or her agent refused to accept the mail, the Secretary shall have the right of service of the 1<sup>st</sup> Resolution if the regular mail with the return address of the Board appearing thereon is not returned as undeliverable to the Board within 15 days after mailing. In the event the regular mail is returned with the notation by the postal authorities that it was unclaimed, the 1<sup>st</sup> Resolution shall be personally served upon the owner or his agent if the owner's whereabouts are known.

In addition to the notification to the Owner as described above, staff will also do the following:

1. Post the property with a copy of the 1<sup>st</sup> Resolution within three (3) business days, and
2. Publicly advertise the adoption of the 1<sup>st</sup> Resolution within three (3) business days.

In the 1<sup>st</sup> Resolution, the property owner's rights are explained to them. The 1<sup>st</sup> Resolution 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 a blight determination by the Board and certification of blight by both the referring municipality's planning commission and the Lancaster County Planning Commission.

As described in the notification to the property owner, the owner has three options:

1. Do nothing, at which point the property will be presented to the Board for Second Blight Determination Resolution (hereinafter referred to as 2<sup>nd</sup> Resolution), or
2. Request a Hearing to seek a review of the determination of blight, or
3. Submit a Rehabilitation Plan to eliminate the blighting conditions.

### **Hearing Before the Board**

The property owner shall be advised that he or she may request a hearing before the Board to seek a review of the determination of blight. Said request for a hearing shall be made in writing to be received by the Board no more than twenty-one (21) days from the date of the property owner's receipt of the Third Official Communication. A request for a hearing shall be accompanied by a check in the amount of \$350, made payable to the Redevelopment Authority of the County of Lancaster.

Upon receipt of a written request for a hearing from a property owner and the required check for \$350, the staff shall provide written acknowledgement 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 Board. 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. Such notice shall be published for two consecutive days in a newspaper of general circulation in Lancaster County.

The Chairperson 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 representatives, and shall select a chairperson for the Hearing Panel.

At the hearing before the Hearing Panel, the Redevelopment Authority 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 Redevelopment Authority.

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.

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 56. 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 made 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.

If the Hearing Panel upholds the 1<sup>st</sup> Resolution, the property owner then has 21 calendar days from the date of the meeting in which the Hearing Panel's decision was made to submit a rehabilitation plan as noted above.

If the Hearing Panel determines that blight is not present, the property will be removed from the Program and the property owner does not need to take any further action.

### **Second Blight Determination Resolution**

Prior to adoption of the Second Blight Determination Resolution (hereinafter referred to as 2<sup>nd</sup> Resolution), the Redevelopment Authority shall conduct a re-inspection of the property indicating that the elements of blight have not been eliminated.

At such time as:

1. The property owner has failed to request a hearing before the Board within the prescribed time period, or
2. The property owner has exhausted all remedies outlined above, and no rehabilitation plan has been submitted and accepted within the prescribed time period,

then the Board shall adopt a 2<sup>nd</sup> Resolution. The 2<sup>nd</sup> Resolution shall state the following:

1. the property owner has been served with a notice of blight, and been notified of his/her right to appeal the determination, and
2. the property owner has failed to correct the elements of blight cited, and has not submitted a rehabilitation plan that has been accepted by the Board.

Upon adoption of the 2<sup>nd</sup> Resolution, the Board shall transmit the 2<sup>nd</sup> Resolution to the County Planning Commission and the referring municipality's planning commission, if any, and request that the County Planning Commission and the referring municipality's planning commission determine whether the property is a Blighted Property, and if so, certify said Blighted Property to the Redevelopment Authority with a recommendation for the appropriate re-use of the property.

Staff will send a letter via both certified mail and regular mail to the owner of the referred property informing the owner of the adoption of the 2<sup>nd</sup> Resolution and informing the owner of the Blight Certification Process and the Removal of Blight Determination.

### **Certification of Blight**

Once both the County Planning Commission and the Municipal Planning Commission certify the property as blighted, the property shall appear before the Board for final certification of Blight and refer the property to either the Redevelopment Authority or the Lancaster County Land Bank for acquisition.

### **Removal of Blight Determination**

If the property is rehabilitated and the blighting conditions are removed, the referring municipality will be asked to complete a Certification of Blight Remediation to formally remove the Blight Determination.

### **Rehabilitation Plan and Rehabilitation Agreement**

In the event the owner of said property decides to comply and remedy the blighted conditions of the property, he or she must provide to the Board, within twenty-one (21) days of the property owner's receipt of the 1<sup>st</sup> Resolution, a rehabilitation plan in significant detail to show how the blighted conditions will be removed along, the estimated cost of rehabilitation and a detailed schedule of completion.

A deposit of ten percent (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 considered. Prior to the provisional acceptance of the rehabilitation plan, the Board shall be satisfied that:

1. The rehabilitation plan will remedy the blighted conditions identified in the 1<sup>st</sup> Resolution, and
2. The rehabilitation plan has provided a reasonable cost estimate of the work necessary to remove the elements of blight, and
3. The rehabilitation plan proposes a reasonable amount of time to complete the work necessary to remove the elements of blight, and
4. A building permit can be issued by the municipality for the work contemplated by the property owner.

If the Board provisionally accepts the rehabilitation plan, a Rehabilitation Agreement shall be executed with the Board. The Board will take no further action against the subject property, provided the owner diligently complies with the Rehabilitation Agreement.

Upon completion of the rehabilitation work specified in the Rehabilitation Agreement, the deposit shall be refunded to the property owner. If the property owner does not comply with the Rehabilitation Agreement in accordance with the timeline established, then the deposit shall be forfeited and the property will be returned to the Board for further action.

#### **AMENDMENTS**

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

**Effective date: July 21, 2016.**