



Text File

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Committee: Committee on Public Safety
Services

Status: Passed Finally

Ordinance supplement the Pittsburgh Code, Title Six, Conduct, Article VII, Disruptive Properties, by the adding Chapter 671 entitled, Maintenance of Abandoned Residential Properties Pending Foreclosure.

Be it resolved that the Council of the City of Pittsburgh hereby enacts as follows:

Section 1. The Pittsburgh Code, Title Six, Conduct, Article VII, Disruptive Properties, is hereby supplemented as follows:

CHAPTER 671. MAINTENANCE OF ABANDONED RESIDENTIAL PROPERTIES PENDING FORECLOSURE

Section 671.01 - PURPOSE AND SCOPE.

The purpose of this section is to regulate the maintenance of abandoned residential properties by parties asserting a collateral or other legal or equitable interest in the property. This section is intended to reduce and prevent neighborhood blight, to ameliorate conditions that threaten the health, safety and welfare of the public, to promote neighborhood stability and residential owner occupancy by preserving the condition and appearance of residential properties, and to maintain residential property values and assessments. Nothing in this section shall be construed as waiving, relieving or otherwise excusing an owner of residential property from compliance with all applicable building codes and ordinances and the owner or owners shall at all times remain responsible and liable therefore.

Section 671.02 - DEFINITIONS

a. ABANDONED PROPERTY. Property that has exhibited evidence of abandonment as defined in 671.02(c) for thirty (30) days or more and meets any of the following criteria:

1. Provides a location for loitering, vagrancy, unauthorized entry or other criminal activity;
2. Has one or more broken windows, or two or more windows boarded up, for more than 30 days;
3. Has utilities disconnected or not in use;
4. Is not maintained in compliance with City Code, including without limitation, Pittsburgh Building and Fire Prevention Codes.
5. Has taxes in arrears for a period of time exceeding 365 days;
6. Is only partially completed, is not fit for human occupancy and there are no active building permits on the property that will result in restoration of the premises to a safe and habitable condition.

b. CREDITOR. A Federal or State chartered bank, savings bank, savings and loan association, credit union, or any person with a secured equitable interest in the residential property, and any entity acting on behalf of the creditor named in the debt obligation, including but not limited to servicers.

c. EVIDENCE OF ABANDONMENT. Any condition visible from the exterior of the property that alone or in combination with other existing conditions would lead a reasonable person to believe the property is abandoned. Such conditions include, but are not limited to, overgrown and/or dead vegetation; unmaintained pools or spas; an accumulation of newspapers, circulars, flyers and/or mail; past due utility notices and/or disconnected utilities; an accumulation of trash, junk and/or other debris; the absence of window coverings such as curtains, blinds and/or shutters; the absence of furnishings and/or personal items consistent with residential habitation; statements by neighbors, passersby, delivery agents, and/or government employees that the property is vacant.

d. INSPECTION. Exterior inspection of residential property.

e. RESIDENTIAL PROPERTY. A single-unit detached, a single-unit attached, a two-unit residential or a three-unit residential dwelling unit/s as defined by City Code.

f. WORKING DAY. A day that the Bureau of Building Inspection is open for business.

Section 671.03 - EXEMPTIONS

Foreclosures backed by the Federal Housing Finance Agency shall be exempt of all provisions in this chapter.

Section 671.03 - 671.04 INSPECTION OF RESIDENTIAL PROPERTY

a. Initial Inspection. Whenever a creditor shall directly, or through an agent or servicing company, file a foreclosing complaint on residential property, the creditor, either directly or through its agent or servicing company, shall cause a physical inspection to be made of the property not later than 30 calendar days from the filing of the foreclosing complaint to determine abandonment.

b. Periodic Inspections. Any creditor or its agent or servicing company, shall perform a re-inspection of a residential premise at least once every 90 calendar days following the initial inspection until such time as the property is no longer in default as a result of agreement with the owner, or is sold at a sheriff's sale or is otherwise lawfully conveyed to a new owner.

Section 671.04 671.05 - REGISTRATION OF VACANT RESIDENTIAL PROPERTY

Committee: Committee on Public Safety Services

Status: Passed Finally

a. If, upon inspection of residential property required by sub-section 671.03, it is determined that the property is abandoned, the creditor or its responsible agent or servicing company shall register the property in the name of the lien holder with the Bureau of Building Inspection on forms provided by the BBI and pay a registration fee of \$250. The registration shall remain valid for 1 year from the date of registration. The creditor or its responsible agent shall be required to renew the registration every 1 year as long as the building remains abandoned, and shall pay a renewal fee of \$25.

b. Registration of abandoned property shall be made within 10 working days of inspection. If the registration is filed 11 or more working days after the inspection, a late fee will be charged.

c. The registration fee must be submitted to the BBI with the registration form. If the registration fee is not received with the registration form, a late fee will be charged.

d. The registration form shall identify the agent or servicing company, if any, that is authorized by the creditor to enter upon the property and to conduct repairs or maintenance as required. This person or entity must either maintain an office within Allegheny County, or must retain inspectors and contractors with an office located within Allegheny County for ongoing maintenance of the property.

e. The registration will be dissolved and considered void upon receipt by the BBI from the original registrant of a deregistration form with proof of written evidence of a sale in foreclosure, redemption of the property by the lien holder or other transfer of the lien holder's interest.

Section 671.05 671.06 - REGISTRANT DUTIES OF VACANT RESIDENTIAL PROPERTY

A creditor shall, within 30 calendar days after the building has been registered as an abandoned structure with the BBI, maintain and secure the building to Title Ten City Building Code standards and Title Eight City Fire Code standards.

Section 671.06 671.07 - PENALTIES

a. Any creditor that fails to register property with the BBI shall be subject to a fine of one hundred dollars \$100 payable to the City of Pittsburgh for each day of delinquency.

b. The City of Pittsburgh shall have the ability to possess a lien on residential property owned by the creditor found to have committed a nuisance violation of this ordinance, for all fines, charges, abatement cost and fees.

c. If the BBI determines that a creditor has failed to comply with the registration requirements of this section, the BBI shall notify such party within 10 days of the failure to comply with this section, the penalties currently due, and the daily

accrual of penalties.

d. Any creditor that fails to secure and maintain a registered property under section 671.05 shall be subject to a fine for each day the violation remains unabated.

Section 671.07 671.08 - CONSTRUCTION

Nothing in this chapter shall be construed to abridge or alter the remedies now existing at common law or by statute, but the provisions of this chapter are in addition to such remedies.

Section 671.08 671.09 - SEVERABILITY

If any provision of this Chapter or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Chapter which can be given effect without the invalid provision or application, and for this purpose the provisions of this Chapter are declared severable.

Section 671.09 671.10 - INITIAL IMPLEMENTATION

This chapter shall take effect 30 calendar days from the passage of the bill.