

# Putting it All Together: A Strategy for Deploying Blight Tools for the Greatest Community Impact



**Homes Within Reach Conference  
Housing Alliance of Pennsylvania  
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# Winnie Branton

Consultant, Author, Attorney

Founded Branton Strategies LLC to help local governments, non-profit organizations, and communities develop successful strategies for combating blight and returning vacant, abandoned and tax-delinquent properties to productive use

Wrote the *Pennsylvania Land Bank Resource Guide* (2016)

Wrote *Regional Land Banks: A Comparative Analysis and Path Forward* (2023)

Founded Law Office of Winifred M. Branton



# Hailstone Economic

Small, woman-owned  
Direct local and state experience

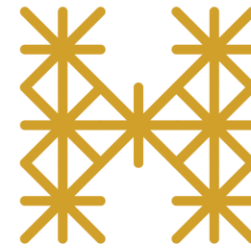
## Expertise

- community development
- economic development
- municipal operations
- planning/zoning/ordinances
- blight remediation
- funding resources
- research and data analyses

## Presenter:

Shannon Calluori, AICP, MCP, MPA  
Director of Planning

Experience: municipal planner, zoning officer, code enforcement officer,  
redevelopment authority, land bank, federal and state funding



**Hailstone**  
ECONOMIC

# In this session...

- Causes of blighted properties and systemic vacancy
- Where to begin?
- Toolkit
  - Strategic Code Enforcement
  - Blighted Property Eminent Domain
  - Land Banks
  - Conservatorship
  - Partners
  - Funding
- Prioritization of blighted properties
- What to do first?
- Key Takeaways



# What is Blight?

*“ A blighted property is a physical space or structure that is no longer in acceptable or beneficial condition to its community. A property that is blighted has lost its value as a social good or economic commodity or its functional status as a livable space. Blight is a stage of depreciation, not an objective condition, which conveys the idea that blight is created over time through neglect or damaging actions.”*

-Joseph Schilling  
Vacant Property Research Network

# What is a “Blighted Property?”

## Legal Definition

### Key Legal Definitions of “Blighted Property”

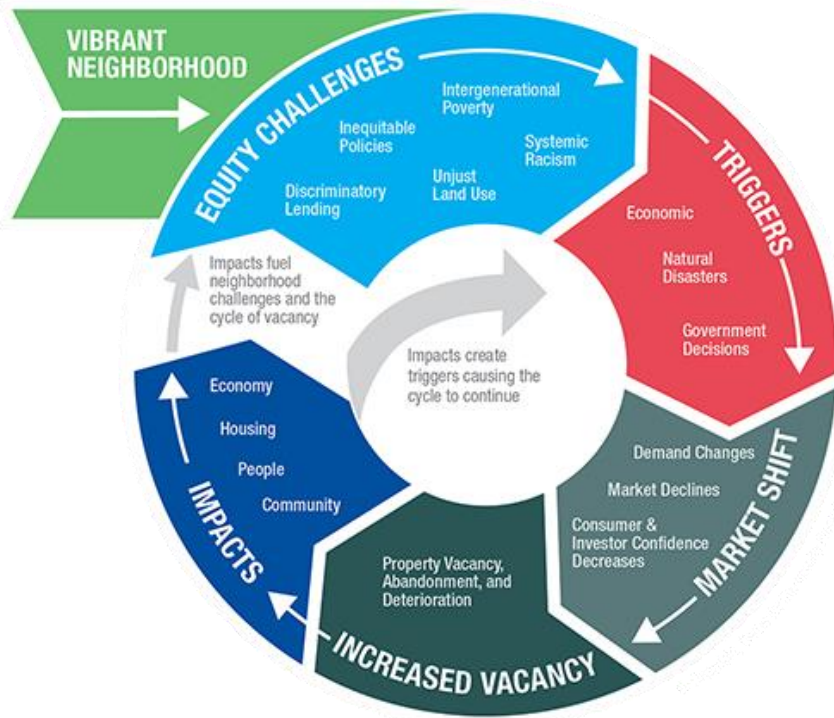
- PA Urban Redevelopment Law (URL) – Condemnation and Eminent Domain
- Abandoned and Blighted Property Conservatorship Law (Act 135) – Conservatorship
- Act 79 of 2019 Uniform Definition of “Blighted Property” – “Catchall”

# Causes of Blight

## Why Do Properties Become Blighted?

- Simple Answer: Owners fail to properly maintain their properties
- But it's more complex than that.
- Built structures fall into disrepair because –
  - Local governments fail to enforce local codes
  - Owners lack financial resources for property maintenance
  - Housing stock is old with low market demand and value
  - Low market values serve as a disincentive for healthy levels of maintenance
  - Mortgage and tax foreclosure
  - Aging population, population decline, job loss, poverty





# Systemic Vacancy

When vacant, abandoned, and deteriorated properties become widespread, they change the character of a neighborhood and perpetuate a negative cycle.

Systemic vacancy: the community experience of widespread vacancy caused by the combined actions of people, policies, and practices.

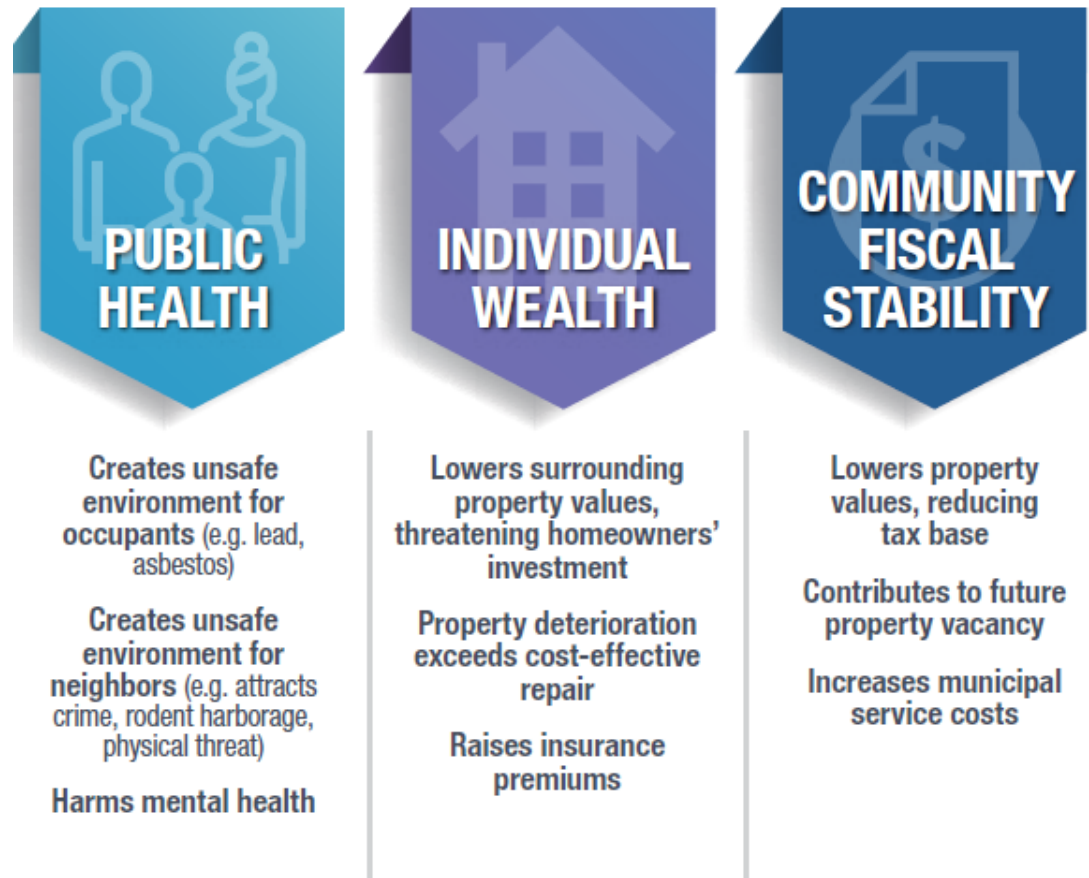
Image: Center for Community Progress



# Impact of Blighted Properties

Vacant, abandoned, and tax-delinquent properties adversely affect the economic and social vitality of a community.

They impose significant costs on taxpayers, municipalities, and neighborhoods.

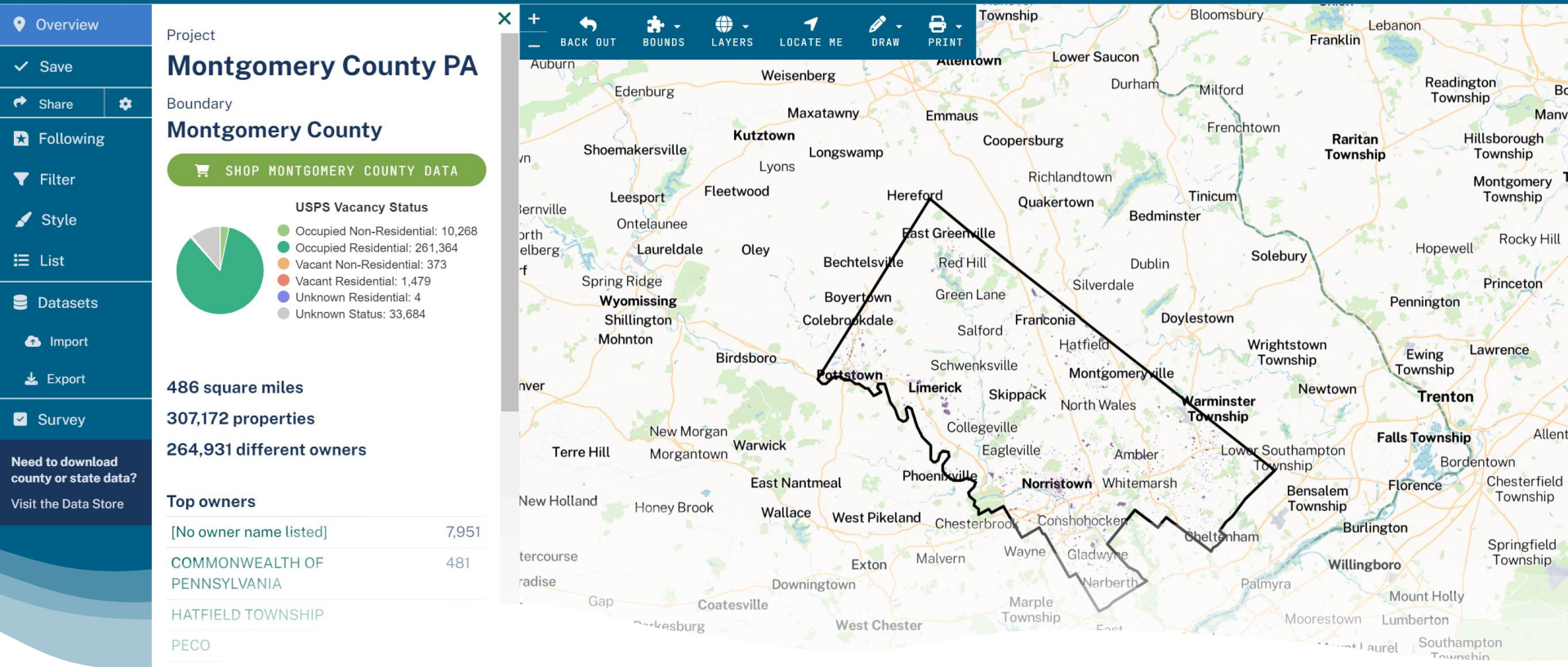


Infographic Credit: Center for Community Progress



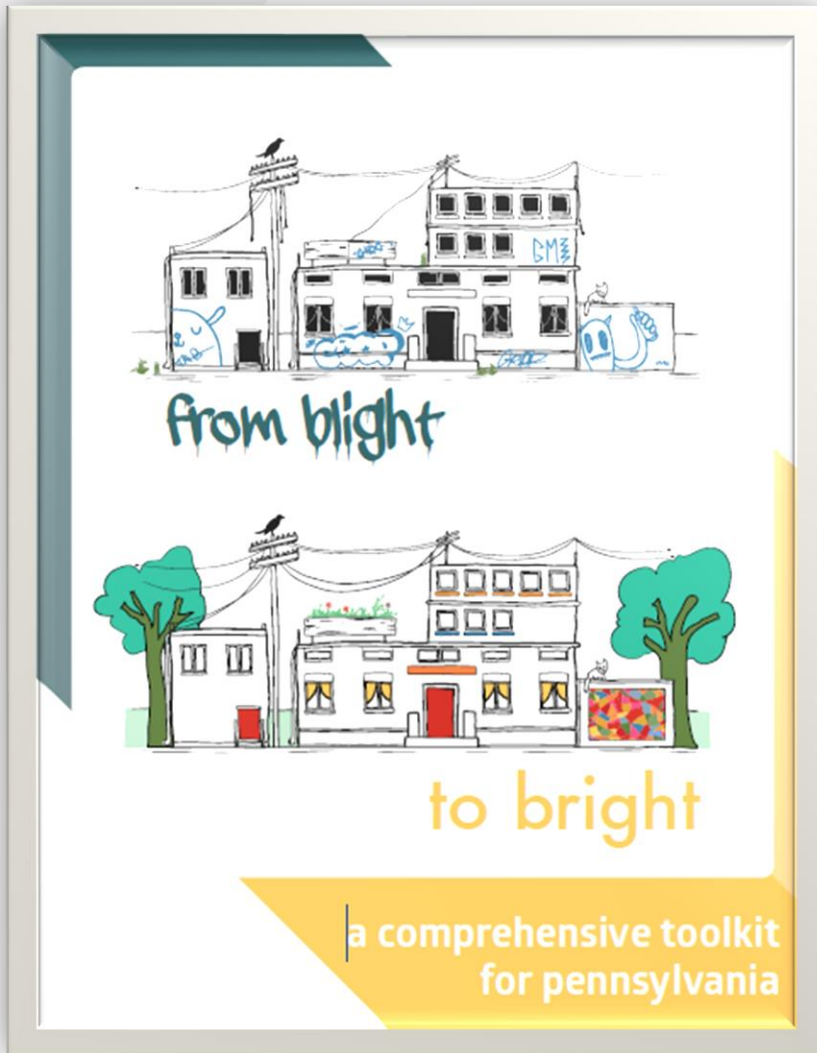
Where to begin?





## Blight Indicators

- Code enforcement violations
- Properties certified as “blighted”
- Mortgage and tax foreclosures
- Vacant and abandoned lots, homes and buildings
- Utility shutoffs (vacancy indicator)
- U.S. Postal service undeliverable addresses database (vacancy indicator)



Published by the Housing Alliance of Pennsylvania in 2014, updated in 2016.

Respected publication used across Pennsylvania.

Practical guide to using the tools and laws designed to prevent and mitigate blight and foster reinvestment.

[From Blight to Bright](#)



# Big Picture

## **Crucial Strategies to Eliminate Blight**

1. Establish an Enforceable Legal Framework
2. Target Limited Resources and Collaborate with Key Partners
3. Change the Culture to Improve Compliance
4. Transfer Worst Properties to Responsible New Owners



# Blight Remediation Toolkit

Strategic Code Enforcement

Blighted Property Eminent Domain

Land Banks

Conservatorship

Partners

Funding

# Strategic Code Enforcement

**International  
Property  
Maintenance Code**  
(as adopted by a municipality)

**Permit Denials**  
(Act 90 of 2010)

# Strategic Code Enforcement

## **Considerations**

- Priority areas / properties
- Staffing
- Follow through

## **Other Programs**

- Quality of Life Ticketing
- Pre-sale Inspections
- Rental Licensing and Inspections

# Quality of Life Ticketing

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- Issue code-violation “tickets” (similar to parking tickets) for nuisance violations such as uncut grass/weeds, accumulation of rubbish, and junk vehicle/appliance in yard.
- Hand-held devices can be used to create record of violation and issue ticket.
- Owner may appeal to an administrative review board. Judicial review occurs only if owner appeals administrative board decision.

# Where It's Working: Danville Borough





# Rental License and Inspection

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- License and inspection fees can be collected; based on cost of administering program.
- Inspection provides opportunity to enter rental housing units and check for health and safety and other code violations.
- Some local governments require inspections on a regular schedule (e.g. once every 2 years) or when occupancy changes (e.g. new tenant).
- Legal challenges to rental license and inspection programs have occurred.

# Where It's Working: Haverford Township



# Permit Denials



A municipality may deny a permit if the applicant owns property for which there exists:



A final and unappealable tax, water, sewer or refuse collection delinquency charge; or



A serious code violation for which the owner has taken no substantial steps to correct within six months following the notification of violations, and for which:

A judgement to abate or correct was imposed by a magisterial justice; or

A judgment was imposed by the Court of Common Pleas

# Permit Denials

Municipal permit includes:

- Building permits
- Exceptions to zoning ordinances
- Occupancy permits
- Rental licenses



# Where It's Working: Turtle Valley Creek COG





# Blighted Property Eminent Domain

Urban Redevelopment Law (Act 385 of 1945)

Eminent Domain Law (Title 26)

Blight Definition (Act 79 of 2019)

Municipality Condemnation Order (Act 101 of 2020)

# Acquisition by Blighted Property Eminent Domain

## **Code Enforcement** (Municipality)

- Issues property violation letters and files citations
- Recommends blighted properties to the BPRC

## **Blighted Property Review Committee** (Municipality)

- Owner served notice of determination that property is blighted with order to eliminate blight conditions
- Owner fails to comply or fails to appeal
- BPRC certifies property as blighted

## **Blighted Property Eminent Domain** (Redevelopment Authority)

- Requests reuse recommendation from Planning Commission
- Approves resolution to acquire the property
- Files declaration of taking with county court and pays just compensation

# Urban Redevelopment Law

Act of May 24, 1945, P.L. 991, No. 385, as amended

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## Purpose

- Eliminate blighted areas and supply sanitary housing
- Through acquisition, planning, and redevelopment
- ...in conformity with the comprehensive general plans
- ...to promote health and safety
- ...such purposes are public uses
- ...private property may be acquired by eminent domain
- Creates **Redevelopment Authorities** and defines their power and duties

## Section 12: Eminent Domain

Must have **Blighted Property Review Committee (BPRC)**

# Blighted Property Definition

Act 79 of 2019

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- (1) A premises that is a public nuisance deemed to be a danger to public health, safety and welfare or attractive nuisance (safety risk)
- (2) Condemned / unfit for occupancy
- (3) Fire hazard
- (4) Vacant lot with accumulation of trash and debris
- (5) Vacant property and not rehabilitated within (1) year of violation notice
- (6) Vacant lot with a municipal lien for demolition cost and no lien payment for (1) year
- (7) Vacant lot with municipal liens for unpaid real estate and property taxes greater than 150% of property fair market value
- (8) Property abandoned (in writing) by owner

# Urban Redevelopment Law

Act of May 24, 1945, P.L. 991, No. 385, as amended

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## Section 12.1(e):

BPRC certifies property as blighted to the Redevelopment Authority

- Property must be vacant
- Owner served notice of determination that property is blighted...order to eliminate blight conditions...failure to do so could lead to condemnation
- Owner has right to appeal
- Time period for appeal expired and owner failed to comply

## Section 12.1(f):

Redevelopment Authority requests reuse recommendation from Planning Commission at least 30 days prior to acquisition

## Section 12.1(g):

Redevelopment Authority approves a resolution to acquire the property, per Eminent Domain Code



# Title 26 Eminent Domain

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## 302. Declaration of taking

File in county court with security

## 305. Notice to condemnee

- Within 30 days, Redevelopment Authority provides written notice to condemnee, mortgagee, or lienholder
- Must gain service
- Condemnee has 30 days after being served with notice to file preliminary objections

## Chapter 5. Determining damages

Redevelopment Authority pays court

- Submits schedule of proposed distribution
- Court distributes just compensation

# Where It's Working: City of Reading



# Municipality Condemnation Order

(Act 101 of 2020)

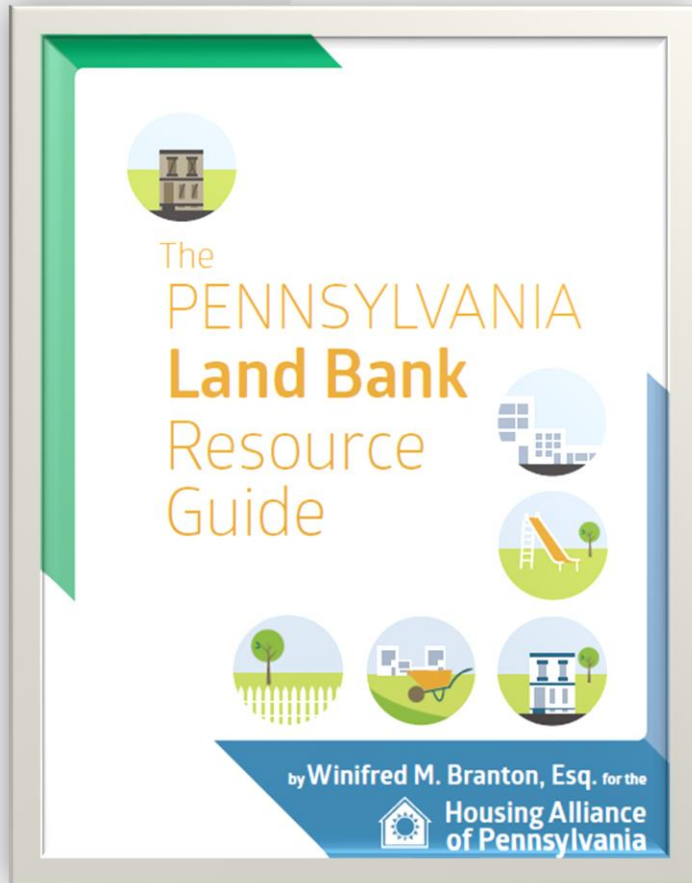
A municipality may record condemnation order with the Recorder of Deeds office.

The filing of this Order shall be constructive notice to all purchasers for the property.

A Condemnation Order is a declaration that:

- A dwelling, building, structure or premises is unfit for human habitation or other use; or
- Conditions exist that are dangerous to the health or safety of the occupants or municipal residents; and
- Includes a demand for the owner to take corrective action to the building.

If the municipality vacates the condemnation order, it shall record the vacating of the order within 15 days.



Published by the Housing Alliance in 2016.

Self-help resource for assessing whether a land bank is right for your community and, if so, how to proceed.

[PA Land Bank Resource Guide](#)

# Land Banks

**Land Banks Law**  
(Act 153 of 2012)

**Amendment**  
(Act 33 of 2018)



# What is a Land Bank?

## **Blight remediation tool with a board of directors and staff**

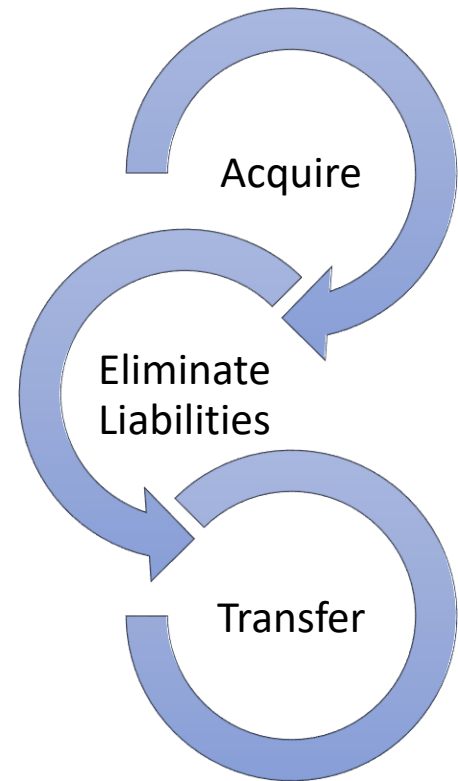
- Converts vacant, abandoned, tax-delinquent, and foreclosed properties into productive use
- Creates economic development opportunities

## **Established by PA Act 153 of 2012**

- Amended in 2018 to allow redevelopment authorities to be designated as a land bank

# How does a Land Bank Work?

1. Acquire title to problem properties
2. Eliminate liabilities – liens, claims, clouds on title
3. Transfer to new owners in a manner most supportive of local needs and priorities





# What does a Land Bank do?

## Acquires properties

- Purchase / donation
- Municipal transfer
- Tax foreclosure: upset sale, \*judicial sale (land bank can purchase properties ahead of the public process)
- County repository

## Prepares properties for reuse

- Back taxes and municipal claims discharged; quiet title action expedited
- Demolished, rehabilitated, sold, or held for later redevelopment

# Benefits of a Land Bank



## **Ability to acquire and redevelop blighted properties**

Prioritizes acquisition of properties: 1) abandoned by their owners; 2) delinquent mortgages and liens; 3) nuisance to the neighbors; AND redevelops the properties into habitable homes and improves neighborhoods



## **Complements other blight tools**

Including code enforcement actions



## **Cost savings**

Expensive to maintain vacant properties and to provide police and fire protection and cleanup; expensive to collect delinquent tax and lien payments



## **Increased property values in surrounding area**

Remediating blighted properties increases neighboring property values



## **Increased tax revenue**

Due to increased property values and responsible ownership  
Many owners of blighted properties fail to pay property taxes

# Costs of a Land Bank



Assistance of code enforcement staff



Property maintenance



Property acquisition, disposition, demolition, and rehabilitation



Taxes and fees owed by the property

# Tax Provisions

**Land bank statute provides for collaboration between a land bank and taxing authorities to support redevelopment**

1. Discharge tax liens and municipal claims
  - \* School district must approve each discharge
2. Hold property tax-free
3. Share up to 50% of taxes for five years after redevelopment

# Land Banks in Pennsylvania

[In chronological order of ordinance adoption]



 Land Bank

 Redevelopment Authority designated as Land Bank



1. Dauphin County Land Bank Authority
2. Philadelphia Land Bank
3. Westmoreland County Land Bank
4. Pittsburgh Land Bank
5. Harrisburg Land Bank
6. North East Pennsylvania Land Bank Authority
7. Venango County Land Bank
8. Lackawanna County Land Bank
9. Schuylkill County Land Bank
10. Northumberland County Land Bank
11. Washington County Land Bank
12. Lancaster County Land Bank Authority
13. Erie (City) Land Bank
14. Tri-COG Land Bank (Allegheny County)
15. City of Lebanon Land Bank
16. Lancaster City Land Bank Authority
17. Lawrence County Redevelopment Authority (converted from stand-alone)
18. Pottstown Borough Land Bank
19. Erie County Land Bank
20. Sharon Land Bank
21. York County Land Bank Authority

22. Fayette County Redevelopment Authority
23. Altoona Redevelopment Authority
24. Somerset County Redevelopment Authority
25. Armstrong County Redevelopment Authority
26. Monroe County Redevelopment Authority
27. Butler County Redevelopment Authority
28. Hazleton Land Bank
29. Allentown Redevelopment Authority
30. Cambria County Redevelopment Authority
31. Cumberland County Housing and Redevelopment Authorities
32. Williamsport Land Bank
33. Johnstown Redevelopment Authority
34. Clarion County Housing and Redevelopment Authority
35. Warren County Redevelopment Authority
36. Wilkesburg Land Bank
37. Delaware County Redevelopment Authority
38. Lower South Valley Land Bank

# Conservatorship

Abandoned and  
Blighted Property  
Conservatorship Act  
(Act 135 of 2008,  
amended in 2014)

Land Bank can be  
a conservator  
(Act 126 of 2022)



# Abandoned and Blighted Property Conservatorship Act



A powerful blight remediation tool that gives **interested parties** the right to petition the **court** for **temporary possession** of a nearby **blighted, abandoned property** for the purpose of making repairs and **bringing it up to code, or demolishing it**

# The Conservatorship Process



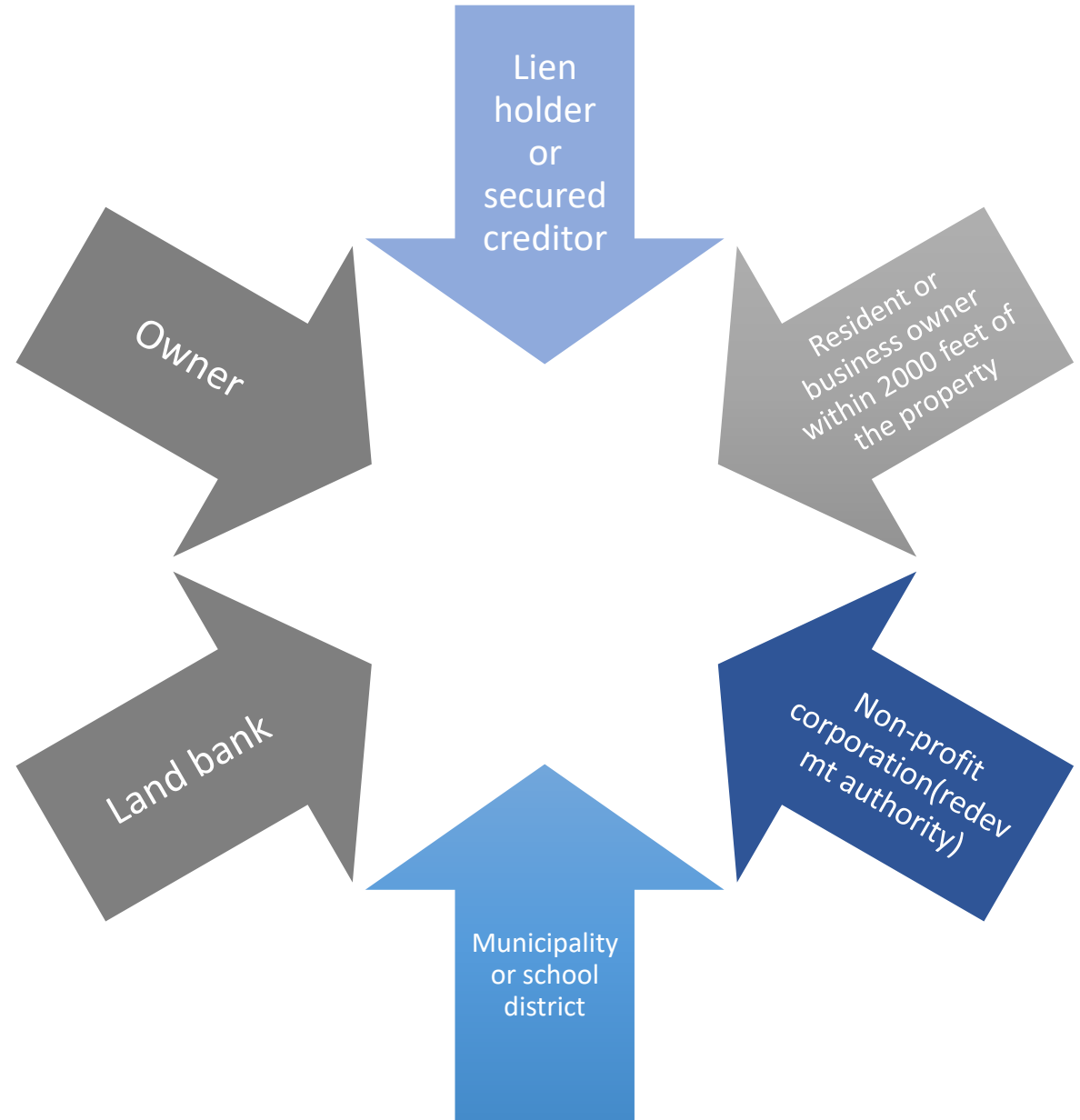
## What is a Conservatorship?

Conservatorship is a court process whereby a judge may appoint a person or organization (the Conservator) to take possession of a neglected property after conducting a trial to determine that the conditions for appointment of a conservator are satisfied.

## The Conservator

- Takes possession – not ownership – of the offending property.
- Rehabilitates the property or demolishes the structure.
- Uses own funds to remediate the blight and is reimbursed upon the out-sale of the Property.

# Who can file a Conservatorship Petition?



# Property Conditions

Property can be residential, commercial, industrial, plus vacant lot if structure was formerly on property.

To be eligible:

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**ALL must apply:**

- **Not legally occupied for 12 months**
- **Not marketed for past 60 days**
- **No mortgage foreclosure action**
- **Current owner longer than 6 months**
- **Owner not on active duty military service**
- **Not held in trust or owned by Federal Government and regulated under U.S. Housing Act of 1937**

**PLUS three (3):**

- A public nuisance**
- Needs substantial rehab and none done in past 12 months**
- Unfit for occupancy**
- Increased risk of fire**
- Subject to entry and dangerous**
- Attractive nuisance**
- Health or safety hazard**
- Decreases property values or business activity**
- Illicit Activities**

# Conservator



**Conservator** is appointed by the court to bring the property into municipal code compliance.

- Must have the capacity to take possession, effectuate rehabilitation and manage the conservatorship process.
- Senior lienholder given first consideration as conservator.
- Petitioner can also be conservator.
- Liabilities for the property remain with the owner and are not imposed on the conservator – environmental liabilities, taxes, etc.

# What Rights Does the Owner Have?

- ✓ Notice
- ✓ Full participation in the litigation
- ✓ Conditional Relief – court allows owner to abate the code violations in a reasonable amount of time under court's supervision
- ✓ Owner can step in at any time to terminate the conservatorship, but must reimburse petitioner and conservator for all costs incurred before regaining control of the property, plus pay a conservator's fee - greater of (1) \$2,500, adjusted upward 2%/year, (2) 20% markup of costs and expenses, and (3) 20% of sale price

# Due Diligence

Building your case requires careful planning and due diligence

- ✓ Get a title report
- ✓ Track down all owners
- ✓ Make sure property is eligible and meets statutory requirements
- ✓ Take photographs to demonstrate conditions
- ✓ Documentation of code violations and unsafe property conditions
- ✓ Conservator's qualifications
- ✓ Prepare a plan for the property – demolition or rehab
- ✓ Identify funding for the plan



# Who's Using Act 135: Butler County

Redevelopment Authority  
was Petitioner and  
Conservator

- Petition filed in July 2015
- Conservatorship granted
- Plan was demolition using CDBG funds
- Court approved sale of the property for \$500



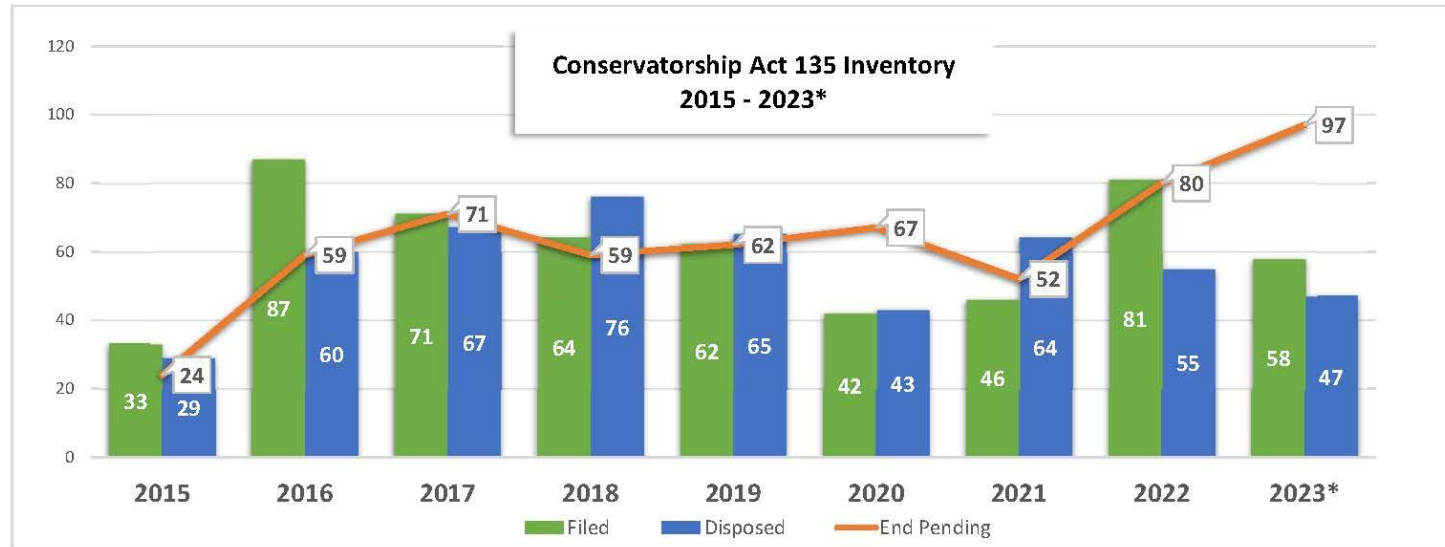
Before



After

# Who's Using Act 135: NPOs in Philadelphia

*First Judicial District of PA: Trial Division – Civil*



	Begin Pending	Filed	Disposed	End Pending**	Increase (Decrease)	% Increase (Decrease)
2015	0	33	29	24	24	-
2016	24	87	60	59	35	146%
2017	59	71	67	71	12	20%
2018	71	64	76	59	(12)	-17%
2019	59	62	65	62	3	5%
2020	62	42	43	67	5	8%
2021	67	46	64	52	(15)	-22%
2022	52	81	55	80	28	54%
2023*	80	58	47	97	17	21%

*\*Data through October 2023*

*\*\*\* Includes records that were re-opened, removed from deferred status, and/or transferred in/out of program.*

# Partners

## Elected Officials

- Local, County, State, Federal

## Agencies

- State – DCED, DHS, DCNR
- Federal – EPA, USDA, HUD, Commerce/EDA

## Municipal

- Code Enforcement
- Contractors – rehab, demo, stabilization, maintenance
- For-profit and non-profit housing developers
- Non-profit community organizations and churches

# Funding Sources

## Federal

- HUD – CDBG/HOME
- EPA – Assessment and Clean-Up grants, Revolving Loan Fund
- USDA (Section 504 Home Repair program, Section 502 Direct Loan Program, Single Family Home Loan Guarantees)

## State

- DCED (Keystone Communities Program, Multimodal Transportation Fund, Municipal Assistance Program, Neighborhood Assistance Program, HUD – CDBG/HOME)
- PHFA – PHARE (PA Housing Affordability and Rehabilitation Enhancement Fund)
- LSA (Local Share Account)

## County

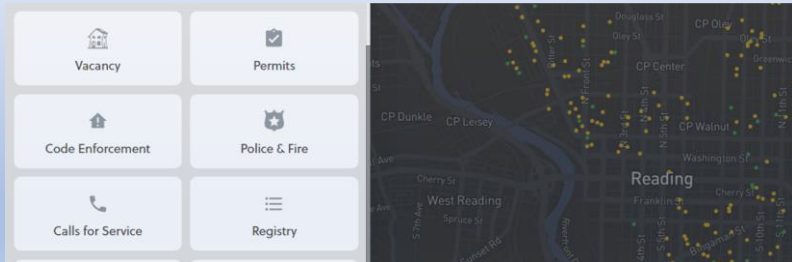
- Act 137 (Optional County Affordable Housing Fund – fees from the recording of deeds and mortgages)
- Act 152 (County Demolition fund – fees from the recording of deeds and mortgages)

## Local

- General Fund
- Blight fund
- Foundations

# Example: Prioritization Tools

## Data



## Greatest impact

Gateways Major roads and corners Clusters



## Align with other investment initiatives



## Land assembly for future development





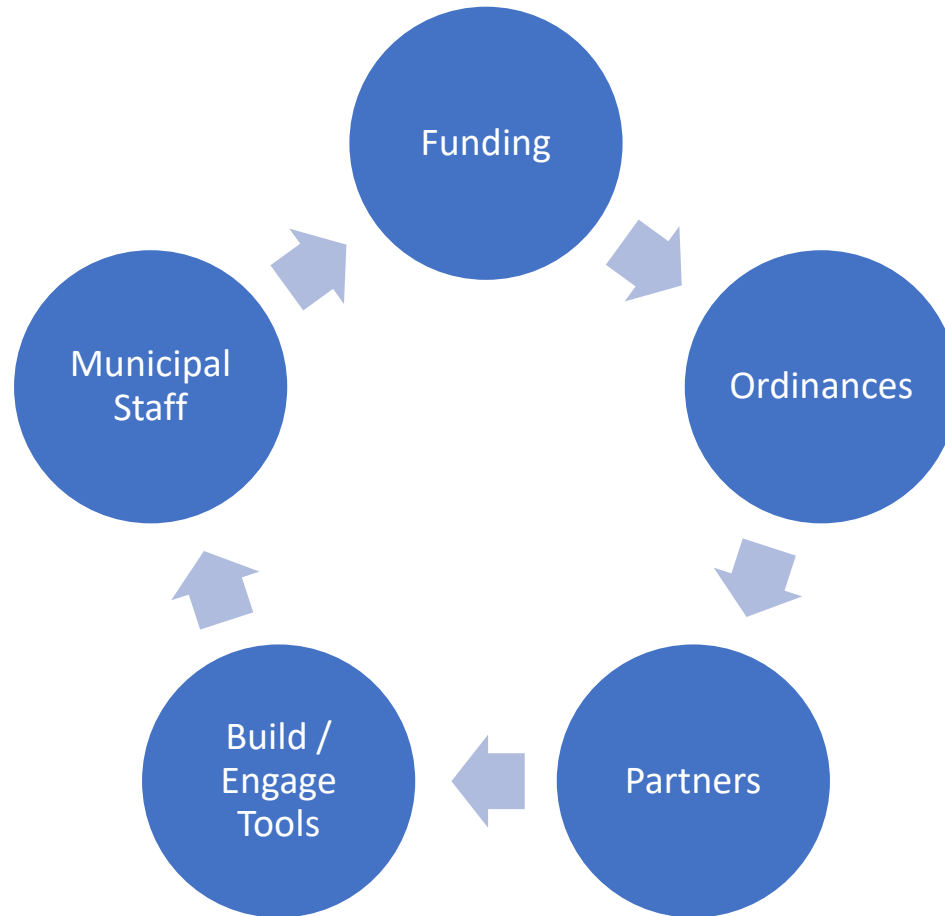




# Rehab vs Demo



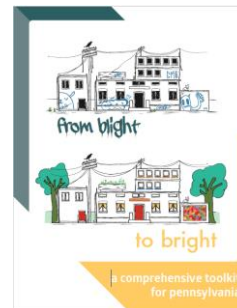
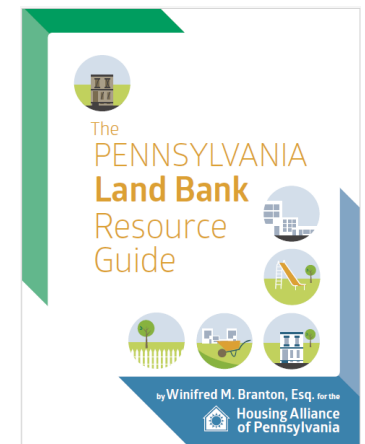
# What To Do First



# Key Takeaways

## BLIGHT

- Difficult, but not impossible
- Negative community impacts
- Causes are complex
- Many tools are available
- Funding is competitive – draft a blight plan
- Build support and energize stakeholders



# Contact Information



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