

# The Expanding Battle Against Blight:

## *Protecting Community Quality of Life*

By Joan E. London, Esquire, and Matthew R. Fessler, Esquire

The Municipal, Education, Real Estate, and Environmental (“MERE”) Section presented a panel discussion at this year’s Bench-Bar Conference titled “The Expanding Battle Against Blight.” Joining us for the discussion were Michelle Mayfield from Hartman, Valeriano Magovern & Lutz, Timothy Daley from Habitat for Humanity, Jaime Perez from the Berks County Redevelopment Authority, William Frymoyer, Codes Official from Cumru Township, and Shannon Callouri from Hailstone Economic Development. The panel gave the audience the benefit of their diverse backgrounds in enforcement, economic development, and nonprofit organizations in fighting community blight.

The first part of the discussion was to define exactly what conditions constitute “blight”? The laws regarding blight do not exist for esthetics and curb appeal (e.g., “The Borough Council is not the Prettiness Police and we don’t want to be an HOA”). Rather, laws on blight provide the minimum standards for community health, safety, and welfare. Pennsylvania law states the definition: Act 79 of 2019 provides a list of eight criteria to define blighted property: (1) a premises that is a public nuisance deemed to be a danger to public health, safety and welfare or attractive nuisance; (2) condemned/unfit for occupancy; (3) fire hazard; (4) vacant lot with accumulation of trash and debris; (5) vacant property and not rehabilitated within one year of violation notice (6) vacant lot with a municipal lien for demolition cost and no lien payment for one year; (7) vacant lot with municipal liens for unpaid real estate and property taxes greater than 150% of property fair market value; and (8) property abandoned (in writing) by the owner. Clearly, these are serious detriments, and this is not just a property that isn’t attractive and

where the neighbors would prefer better upkeep.

One of the key points raised by the panel, which is often forgotten, is that blight is not limited to cities; it is also found in rural and suburban communities. Blight is more visible in cities and more densely populated municipalities, where residents’ homes and businesses sit in close proximity. However, suburban homes and businesses can fall into disrepair just as

easily. The panelists agreed that interventions, often multi-disciplinary, are key to both prevention and remediation. Both are important, since blighted properties can have a ripple effect on the values of nearby properties, and can lead to larger problems with crime, i.e. the “broken windows” theory.

The next question discussed was, “How does a property become blighted?” The simple answer is that the owner fails to maintain the property. Sometimes it’s as simple as a lack of pride in ownership, possibly due to a more

anonymous society in general where we don’t know our neighbors well and don’t care as much about the impression made. Often, however, there are multiple factors, including the inability of local governments to enforce their property maintenance codes due to being short-staffed, owners lacking financial resources to maintain the property, or low market value for the property, plus an aging population and physical and mental illnesses.

Both the City of Reading and the County of Berks, on their own and in conjunction with private organizations such as Habitat for Humanity, have made efforts over the last decade to remediate blight, and to reclaim properties for much-needed housing. The panel described the process the city and county use in addressing blighted property through Blighted Property Review Committees. First, the owner is sent notice of a determination hearing. The



purpose of this hearing is to determine whether a property is truly blighted. If the property is found to be blighted, the next step is a certification hearing by the committee, again after notice. The certification hearing presents another opportunity for the owner to demonstrate efforts to correct the conditions. If the owner does not appear or if there has been no improvement, the property is certified as blighted. If action isn't taken to remediate the property, it may be acquired by the Berks County Redevelopment Authority to hold, clear, manage, dispose or reuse. The solicitors on the panel emphasized that eminent domain was the last resort, after months and often years of notices and opportunities to correct the problems. So often critics will presume that bodies such as Blighted Property Committees and redevelopment authorities want to acquire land. In fact, municipalities only will condemn when completely out of options.

The panel recommended that municipalities develop standards and best practices for addressing blighted properties. Some recommendations were to develop a notice of violation template, keep property files and documentation related to the blighted property process, and establish consistent timing and procedures for following up on a notice of violation. One common problem in the blighted property process is getting service on an owner of a blighted property, who is often not residing at the property, or is an LLC. One best practice example the panel offered was providing notice as set forth in the International Property Maintenance Code. The Neighborhood Blight Reclamation and Revitalization Act, Act 90 of 2010, is another act of which municipalities should take advantage. Act 90 of 2010 permits a municipality to deny permit applications if an applicant owns property for which there exists tax, water, sewer, or refuse collection delinquency charge; or for which a serious code violation judgement to abate or correct was imposed by a magisterial justice or a judgment imposed by the Court of Common Pleas. A serious code violation is one that poses an imminent threat to the health and safety of an occupant or occupants in the surrounding structures.

The panel highlighted some statistics revealing the urgency in addressing blighted property. One blighted property can cause a 1% to 3% decrease in property values, an increased rate of crime, and resulting diminution of tax revenues. Once remedied, a former blighted property increases property values by 2% to 4%, results in a decrease in crime rate, and results in a significant increase in tax value.

The discussion ended with the speakers again emphasizing that blight is not limited to cities; it can appear anywhere and is every community's problem. ■

**Ms. London is an attorney with Kozloff Stoudt, Spring Township. Mr. Fessler is an attorney with Hartman, Valeriano, Magovern, and Lutz, Wyomissing. They are Co-Chairs of the Bar Association's Municipal/Education/Real Estate/Environmental Law Section.**



## DAVID R. BEANE, ESQUIRE

SWANONA AT HISTORIC CENTRE PARK  
606 NORTH FIFTH STREET, SUITE 7  
P.O. BOX 1339

READING, PENNSYLVANIA 19603

TEL: 610.378.5555

FAX: 610.378.5551

[drb@beanellc.com](mailto:drb@beanellc.com)

[www.beanellc.com](http://www.beanellc.com)

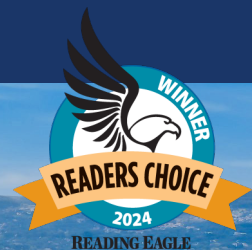
**HELPING THE REGULATED COMMUNITY  
MANAGE ENVIRONMENTAL RISK AND  
SOLVE ENVIRONMENTAL PROBLEMS**

**Reading Eagle's  
Readers Choice  
Winner!**

**Eric J &  
Eric P Miller**

**#1**

**VOTED BEST  
REAL ESTATE  
AGENT!**



**ERIC MILLER  
RE/MAX  
OF READING**

O: 610-670-2770 • C: 484-269-2394  
[EMiller@GoBerksCounty.com](mailto:EMiller@GoBerksCounty.com)  
[BerksCountyUpscaleHomes.com](http://BerksCountyUpscaleHomes.com)