



# CITY OF TAUNTON

In the year two thousand and nine

## AN ORDINANCE

### REGULATING THE MAINTENANCE OF VACANT AND FORECLOSING RESIDENTIAL PROPERTIES

*Be it ordained by the City Council of Taunton, as follows that the City of Taunton Ordinances be amended by adding the following ordinance:*

#### **Regulating the Maintenance of Vacant and Foreclosing Residential Properties.**

- (a) *Purpose.* It is the intent of this section to protect and preserve public safety, security, and quiet enjoyment of occupants, abutters, and neighborhoods by (i) requiring all residential property owners, including lenders, trustees, and service companies, to properly maintain vacant and/or foreclosing properties (ii) regulating the maintenance of vacant and/or foreclosing, residential properties to prevent blighted and unsecured residences.

The Building Commissioner has enforcement authority pursuant to, *inter alia*, M.G.L. c. 143, s. 3, the State Building Code, and the Revised Zoning Ordinances of the City of Taunton.

- (b) *Definitions.* When used in this section, unless a contrary intention clearly appears, the following terms shall have the following meanings:

*City* means City of Taunton.

*Commissioner* means Building Commissioner for the City of Taunton.

*Days* mean consecutive calendar days.

*Foreclosing* means the process by which a property, placed as security for a real estate loan, is prepared for sale to satisfy the debt if the borrower defaults.

*"Initiation of the foreclosure process"* means taking any of the following actions: (i) taking possession of a residential property pursuant to M.G.L. c.244, s. 1; (ii) delivering the Mortgagee's notice of intention to foreclose to the borrower pursuant to M.G.L. c. 244, s. 17B; or (iii) commencing a foreclosure action on a property in either the Land Court or Bristol County Superior Court.

(c) *Registration of Vacant and/or Foreclosing Residential Properties*

*Duty to Provide Written Notice of Vacant, Residential Property and/or Mortgage Foreclosure.*

All owners must register vacant and/or foreclosing residential properties with the Building Commissioner on forms provided by the Commissioner. All registrations must state the individual owner's or agent's phone number and mailing address located within the Commonwealth as required by M.G.L. c. 59, s. 57D, M.G.L. c. 156D, s. 5.02, and 950 CMR 113.20. The mailing address may not be a P.O. Box. This registration must also certify that the property was inspected and identify whether the property is vacant at the time of filing. If the property is vacant, the owner and/or registrant must designate and retain a local individual or local property management company responsible for the security and maintenance of the property. This designation must state the individual or company's name, phone number, and local mailing address. The mailing address may not be a P.O. Box. If the property is in the process of foreclosure, then the registration must be received within seven days of the initiation of the foreclosure process as defined in subsection (b). If the Commissioner determines that the property is vacant and that foreclosure proceedings have not been initiated, the registration must be received within fourteen days of the Commissioner's first citation for improper maintenance.

All property registrations are valid for one calendar year. An annual registration fee of one hundred dollars and no cents (\$100.00) must accompany the registration form. Subsequent annual registrations and fees are due within thirty (30) days of the expiration of the previous registration and must certify whether the foreclosing and/or foreclosed property remains vacant or not.

Once the property is no longer vacant or is sold, the owner must provide proof of sale or written notice and proof of occupancy to the Building Commissioner.

(d) *Maintenance Requirements*

Properties subject to this section must be maintained in accordance with the relevant Sanitary Codes, Building Codes, and local regulations concerning external and/or visible maintenance. The owner, local individual or local property management company must inspect and maintain the property on a monthly basis for the duration of the vacancy.

Adherence to this section does not relieve the owner of any applicable obligations set forth in Code Regulations, Covenant Conditions and Restrictions and/or Home Owners Association rules and regulations.

(e) *Inspections*

The Building Commissioner shall have the authority and the duty to inspect properties subject to this section for compliance and to issue citations for any violations. The Building Commission shall have the discretion to determine when and how such inspections are to be made, provided that their policies are reasonably calculated to ensure that this section is enforced.

(f) *Enforcement and Penalties.*

Failure to initially register with the Commissioner is punishable by a fine of three hundred dollars and no cents (\$300.00).

If applicable, failure to properly identify the name of the local individual or local property management company is punishable by a fine of three hundred dollars and no cents (\$300.00).

Failure to maintain the property is punishable by a fine up to three hundred dollars and no cents (\$300.00) for each week the property is not maintained.

- (g) *Appeal.* Any person aggrieved by the requirements of this section may seek an administrative appeal to the Building Commissioner. Any person aggrieved by a final decision issued under this section by the Building Commissioner, may seek relief in any court of competent jurisdiction as provided by the laws of the Commonwealth.
- (h) *Applicability.* If any provision of this section imposes greater restrictions or obligations than those imposed by any other general law, special law, regulation, rule, ordinance, by-law, order, or policy then the provisions of this section control.
- (i) *Regulatory Authority.* The Building Commissioner the authority to promulgate rules and regulations necessary to implement and enforce this section.
- (j) *Severability.* If any provision of this section is held to be invalid by a court of competent jurisdiction then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.
- (k) *Implementation.* The provisions of this section are effective immediately upon passage and all provisions shall be enforced immediately but no monetary fine shall be imposed pursuant hereto until ninety (90) days after passage.
- (l) *Notice.* A copy of this ordinance is to be mailed to all owners of residential property located in the City of Taunton within 90 days of passage of the ordinance. In addition, a copy of this ordinance is to be mailed to all loan institutions, banks, real estate offices, and management companies located in and/or having legal or equitable interest in residential property located in the City of Taunton. In addition, each time the Assessors Office receives notification of a transfer of ownership of residential property, it shall forward the same to the Building Commissioner. The Commissioner shall cause a copy of this Ordinance to be mailed to the transferee of the property within 30 days of notification.
- (m) *Exempt from Disclosure.* Records compiled pursuant to the provisions of this Ordinance shall be exempt from disclosure pursuant to the provisions of Chapter 4, § 7 of the Massachusetts General Laws.

All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage.

*Local* means within twenty (20) driving miles distance of the property in question.

*Mortgagee* means the creditor, including but not limited to, service companies, lenders in a mortgage agreement and any agent, servant, or employee of the mortgagee, or any successor in interest and/or assignee of the mortgagee's rights, interests or obligations under the mortgage agreement.

*Owner* means every person, entity, service company, property manager or real estate broker, who alone or severally with others:

- (1) has legal or equitable title to any dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park; or
- (2) has care, charge or control of any dwelling, dwelling unit, mobile dwelling unit or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
- (3) is a mortgagee in possession of any such property; or
- (4) is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or
- (5) is an officer or trustee of the association of unit owners of a condominium? Each such person is bound to comply with the provisions of these minimum standards as if he were the owner. However, this ordinance shall not apply to a Condominium Association created pursuant to M.G.L. c. 183A to the extent that such Association forecloses on or initiates the foreclosure process for unpaid assessments due or owing to the Association. Owner also means every person who operates a rooming house; or
- (6) is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated the foreclosure process.

*Property* means any real, residential property, or portion thereof, located in the City of Taunton, including building or structures situated on the property. For purposes of this section only, property does not include property owned or subject to the control of the City or any of its' governmental bodies. Such property includes, but is not limited to, property owned or controlled by the Taunton Redevelopment Authority, Taunton Housing Authority, and Department of Neighborhood Development.

*Residential Property* means any property that contains one or more dwelling units used, intended, or designed to be occupied for living purposes.

*Securing* means measures that assist in making the property inaccessible to unauthorized persons.

*Vacant* means any property not currently legally occupied and not properly maintained or secured.

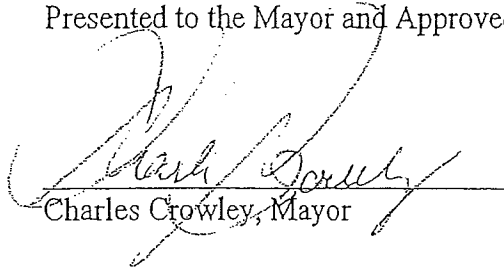
City of Taunton

Presented to the Mayor and Approved:

In Municipal Council

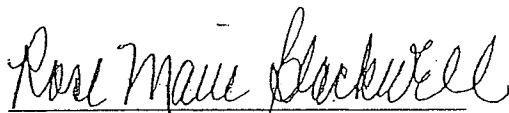
First Reading: May 26, 2009

Second Reading: June 9, 2009

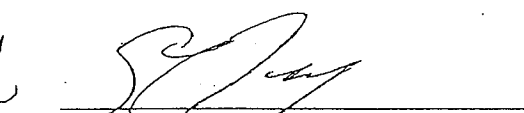


Charles Crowley, Mayor

Passed to be Ordained: June 16, 2009 Approved as to Form and Character:



Rose Marie Blackwell, City Clerk



Steven A. Torres, City Solicitor

CITY OF TAUNTON  
BUILDING DEPARTMENT

REGISTRATION FORM FOR  
VACANT & FORECLOSED RESIDENTIAL PROPERTIES

Please fill out all applicable information below and deliver to:  
Building Department, City Hall, 15 Summer Street Room 21, Taunton, MA 02780

Registration Date: \_\_\_\_\_

Original Registration

Form Submitted By: (name) \_\_\_\_\_

Change of Registration Info

Property Information

Map, Lot & Unit Number: \_\_\_\_\_ Number of Dwelling Units: \_\_\_\_\_

Property Address: \_\_\_\_\_

Utility Status (please circle): Gas: On / Off Elec: On / Off Water: On / Off

Property Owner Information

Property Owner Name: \_\_\_\_\_

Owner Address: (NO P.O. Box) \_\_\_\_\_

Owner Telephone: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

Property Manager Information

*\*any vacant building MUST have a designated property manager\**

Property Manager/Agent Name: \_\_\_\_\_

Manager/Agent Address (NO P.O. Box): \_\_\_\_\_

Manager/Agent Telephone: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

Status of Building:

City Inspection Conducted By: \_\_\_\_\_

Date \_\_\_\_\_ Is property currently vacant?  
(please circle) Yes / No

Office Use Only:

Date of Submittal: \_\_\_\_\_ Fees Paid: \_\_\_\_\_

Received by: \_\_\_\_\_ File Number: \_\_\_\_\_