

## **CHAPTER 9**

### **ADDITIONAL SPECIAL REQUIREMENTS**

#### **SECTION PM-901 SPECIAL REQUIREMENTS FOR VACANT PROPERTIES; BLIGHTING PROBLEMS**

**PM-901.1 Vacant Properties.** The owner of any vacant building shall keep the interior and exterior of the premises free of garbage and rubbish. The owner of any vacant building shall keep all doors, windows and openings from the roof or other areas in good repair, and shall ensure that the roof is intact and allows for proper stormwater drainage. Where such doors or windows or entrance to openings are readily accessible to trespassers, they shall be kept securely locked, fastened or otherwise secured. The owner shall take any other measures prescribed by the code official to prevent unauthorized entry to the premises by closing all openings with materials approved by the code official. A vacant building, which is not secured against entry shall be deemed unsafe within the meaning of this code.

**PM-901.2 Blighting Problems.** The owner of a building that is a blighting problem, as defined in Section PM-202, shall secure all spaces designed as windows with windows that have frames and glazing and all entryways with doors. Sealing such a property with boards or masonry or other materials that are not windows with frames and glazing or entry doors shall not constitute good repair or being locked, fastened or otherwise secured pursuant to this subsection.

#### **SECTION PM-902 SPECIAL REQUIREMENTS FOR FVRP/LVCIPS**

**PM-902.1 FVRPs and LVCIPs.** Except as otherwise provided in this subsection, the building owner of a Foreclosed Vacant Residential Property or a Large Vacant Commercial or Industrial Property shall keep all doors, windows and openings from the roof or other areas in good repair. If securely fastened windows and doors fail or are inadequate to prevent trespassers from entering the building, the owner shall close and secure all accessible openings using a commercial-quality, 14 gauge, rust-proof steel security panel or door, or such other materials deemed by the code official to provide an equivalent level of protection considering the specific characteristics of a property and its location. Security panels and doors shall be secured from the building interior, allow emergency access such as by key, and have an exterior finish that allows for easy removal of graffiti.

**PM-902.2.** It shall be a separate offense, for which a separate fine may be imposed, for the owner to fail to secure each separate door, window, or other entrance or opening as required by this Section PM-902.

**PM-902.3 Large Vacant Commercial or Industrial Property ("LVCIP") and Foreclosed Vacant Residential Property ("FVRP").** The owner of an LVCIP or FVRP shall cause an inspection of such property to be performed within fifteen (15) days of acquiring the property, and at least once every two weeks thereafter. Such inspections shall determine whether the property is in compliance with the requirements of this code. Where an LVCIP or FVRP does not comply with the requirements of this code, its owner shall promptly cause appropriate remediation to be undertaken.

**PM-902.4 Designation of Property Manager:** Any owner of an LVCIP or FVRP who resides outside the City and does not customarily and regularly attend or maintain a business office in the City shall designate a property manager able to perform the inspections and any remediation required under subsection PM-902.3. This requirement shall not prohibit an owner who resides in the City or customarily and regularly attends or maintains a business office in the City from designating a property manager, nor shall it prohibit any owner from serving as the property manager for an LVCIP or FVRP owned by that owner.

**PM-902.5.** The owner of an LVCIP or FVRP shall immediately register such property with the code official on a form provided by the code official. A new owner of an LVCIP or FVRP shall register such property no later than five days following the transfer of title. The registration shall include the address of the LVCIP or FVRP, the name, address, and telephone number of the owner, the name, address, and twenty-four (24) hour contact telephone number of the property manager responsible for inspecting the property and performing any remediation under Section PM-902.3 and such other information the code official deems appropriate. The owner of an LVCIP or FVRP shall, in the manner and time set forth in § 9-3902(6)(c), inform the code official of any change in the foregoing required information. Registration of an LVCIP pursuant to this subsection shall be accompanied by certification that the property's fire protection systems are operating properly pursuant to F-915.1, or by documentation of exemption pursuant to F-311.

**PM-902.6 Documentation of Inspections.** The code official may require an owner or a property manager to provide documentation, satisfactory to the code official, of performance of the inspections and any remediation under subsection PM-902.3.

**PM-902.7 Posting.** The owner of an LVCIP or FVRP shall post the property with the owner's name and address, the name and

address of the property manager responsible for inspecting the property and performing remediation under subsection PM-902.3, and the twenty-four (24) hour contact telephone number of the property manager. The posting shall be made using a weather-resistant sign no smaller than eighteen (18) inches by twenty-four (24) inches, and shall be in plain view, with print that may be easily read from the sidewalk or street immediately abutting the property.

**PM-902.8 Violations.** With respect to an LVCIP or FVRP, any of the following shall constitute a violation of this Section PM-902, and shall be in addition to any other violation of this Code:

1. Failure to correct any violation of this code cited in a notice of violation under A-502.1 within the time limitation set forth in such notice for performing such correction.
2. Failure to perform any inspection required by subsection PM-902.3.

**PM-902.9 Notice.** Where the code official determines that any vacant building is in violation of this Section PM-902, a written notice of that determination shall be given to the registered owner together with an appropriate order to comply with this code, and a copy shall be posted in a conspicuous place on the premises. Such written notice shall indicate the number of doors, windows or other entrances or openings to the building that the owner has failed to secure or seal in violation of subsection PM-902.1. Such notice shall be in addition to a notice, if any, designating a property as a blighting problem.

**PM-902.10 Service.** Notices required by this subsection shall be served on the owner in accordance with the Philadelphia Administrative Code.

**PM-902.11 Compliance.** The owner of any vacant building which is in violation of this subsection shall, upon written notice, either eliminate the violation(s) or demolish the building. Where immediate compliance is not feasible, the owner shall notify the code official in writing within 10 days of the notice served by the code official of the steps taken to correct the conditions, together with an estimate of the time required to fully comply with the provisions of the code.

**PM-902.12 Penalties.** If the owner does not comply with the notice or fails to correct the conditions specified in the code official's notice within the required period of time, the owner shall be subject to penalties set forth in the Philadelphia Administrative Code, provided that it shall be a separate offense, for which a separate fine may be imposed, for the owner to fail to secure or seal each separate door, window or other entrance or opening enumerated in the written notice required by subsection PM-902.9. As provided in A-601.4, each day that each such separate offense continues after issuance of a notice or order shall also be deemed a separate offense for which a separate fine may be imposed.

**PM-902.13 Abatement.** If the owner does not comply with the order of the code official to correct the conditions prohibited by this subsection, the code official is authorized to correct the conditions or demolish the building with its own forces or by contract and charge the costs thereof to the owner, and with the approval of the Law Department, collect the costs, including administrative costs, by lien, or otherwise.

**PM-902.14.** A vacant structure deemed unsafe pursuant to this subsection for failure to secure it against entry shall be sealed with commercial-quality, 14 gauge, rust-proof steel security panels or doors, or such other materials deemed by the code official to provide an equivalent level of protection considering the specific characteristics of a property and its location, when any of the following criteria have been met:

1. The structure is an LVCIP or FVRP subject to the requirements of this Section PM-902;
2. A separate violation has been issued with respect to the structure for failure to secure it against entry; or
3. The code official determines that the structure is especially hazardous based on any of the following factors: there is evidence of unauthorized entry into the structure, based on complaints, police information or records, or physical evidence; the property is located in an area with a high rate of crime connected to vacant buildings or lots, based on statistical crime numbers or consultation with the corresponding police district; the structure creates a significant fire hazard, due to its noncompliance with Fire Code requirements, condition, materials, size, or proximity to residential housing; and any additional factors identified by the code official. The code official may convene or utilize a task force to review relevant evidence and make recommendations to the code official. A notice, order, or other action made pursuant to this subsection may be appealed pursuant to A-803 by the property's owner, a neighboring resident, the representative of a neighborhood nonprofit or community group, or any other aggrieved person.

**PM-902.15.** A structure that qualifies as an LVCIP subject to the requirements of this Section PM-902 that is a significant fire hazard shall be deemed imminently dangerous. The code official shall promulgate such regulations, policies, or procedures as it may deem necessary to aid in the administration and enforcement of this subsection.

## **SECTION PM-903 EMERGENCY NUISANCE ABATEMENT PROGRAM**

**PM-903.0 Definitions.** The following definitions shall apply to this Section PM-903:

1. **Abandoned Property.** A dwelling or vacant lot which has been determined by the code official to have been unoccupied for one year or more, and against which there are outstanding municipal liens, or the owner of which is delinquent in the payment of Real Estate Taxes, Water and Sewer Rents, or other municipal claims. For purposes of this definition, a lot shall be considered vacant and unoccupied if no structure is built thereon and no lawful, productive activity has been conducted on the lot with the owner's authorization within the past twelve (12) months.

2. **Emergency Nuisance Abatement Area.** Any ward or part of a ward of the City determined by City Council to contain such a great number of abandoned properties constituting unsafe structures or unfit dwellings as defined in this code, that traditional abatement methods have been unsuccessful and that resulting neighborhood blight and deterioration are so widespread and unchecked that an emergency exists.

**PM-903.1.** The following areas have been determined by City Council to constitute the Emergency Nuisance Abatement Areas to which this Section applies:

1. Third Ward.
2. Sixth Ward.
3. Eleventh Ward.
4. Twelfth Ward.
5. Thirteenth Ward.
6. Fourteenth Ward.
7. Sixteenth Ward.
8. Eighteenth Ward.
9. Nineteenth Ward.
10. Twentieth Ward.
11. Twenty-second Ward.
12. Twenty-fourth Ward.
13. Twenty-seventh Ward.
14. Twenty-eighth Ward.
15. Twenty-ninth Ward.
16. Thirty-second Ward.
17. Thirty-sixth Ward.
18. Thirty-seventh Ward.
19. Forty-third Ward.
20. Forty-fourth Ward.
21. Forty-sixth Ward.
22. Forty-seventh Ward.
23. Forty-ninth Ward.
24. Fifty-first Ward.
25. Fifty-ninth Ward.

26. Sixtieth Ward.
27. First Ward.
28. Second Ward
29. Thirty-ninth A Ward.
30. Thirty-ninth B Ward.
31. Fifth Ward.
32. Twenty-fifth Ward.
33. Thirty-first Ward.
34. Forty-fifth Ward.

**PM-903.2 Additional Emergency Nuisance Abatement Areas.** In addition to the foregoing wards, with respect to vacant lots only, the following areas shall also constitute Emergency Nuisance Abatement Areas:

1. Ninth Ward.
2. Seventeenth Ward.
3. The Seventeenth, Eighteenth, Twentieth and Twenty-fourth Divisions of the Thirty-third Ward.
4. Seventh Ward.
5. Third, Eighth, Ninth and Thirteenth through Seventeenth Divisions of the Eighteenth Ward.
6. Twenty-third Ward.
7. First through Seventeenth, Nineteenth, and Twenty-first through Twenty-third Divisions of the Thirty-third Ward.
8. Fourteenth through Seventeenth, Twenty-second through Twenty-fourth and the Twenty-sixth Divisions of the Thirty-fifth Ward.
9. Second through Fourth, Sixth and the Seventh Divisions of the Forty-second Ward.
10. Thirtieth Ward.
11. Fortieth A Ward.
12. Fortieth B Ward.
13. Forty-eighth Ward.
14. Fourth Ward.
15. Twenty-first Ward.
16. Thirty-fourth Ward.
17. Thirty-eighth Ward.
18. Fifty-second Ward.
19. Forty-first Ward.
20. Fifty-fourth Ward.
21. Fifty-fifth Ward.
22. Sixty-second Ward.
23. Sixty-fourth Ward.
24. Fourth through Ninth, Twentieth, Twenty-third and Twenty-sixth Divisions of Fifty-seventh Ward.

25. First through Ninth, and Eleventh through Twenty-third Divisions of the Sixty-fifth Ward.

**PM-903.3.** The code official, after consultation with the Vacant Property Review Committee, is authorized to enter into Abatement Agreements with bona fide residents of the City in accordance with this Section PM-903.

**PM-903.4 Correct Conditions.** An Abatement Agreement shall be a contract to correct the conditions resulting in an unsafe or unfit designation, any costs of which shall be charged, as the work is completed, to the owner of the abandoned property and collected by lien, in accordance with subsection PM-903.6.

**PM-903.5 Occupancy.** The contracting individual and members of his or her household shall enter and occupy an abandoned property dwelling meeting the requirements of this Section PM-903, or, in the case of a vacant lot, the contracting individual or entity and his or her agents shall take such steps as may be necessary, all for the purpose of abating the unsafe or unfit conditions resulting from the vacancy of and the condition of the premises in accordance with the terms of an abatement plan entered into by the City and the contracting individual pursuant to Section PM-903.11. The terms of the abatement plan shall be incorporated into the Abatement Agreement.

**PM-903.6 Consideration.** Consideration for the services of the contracting individual in abating the unsafe or unfit conditions shall be solely limited to the City's promise to bring the property to Sheriff's Sale at the earliest practicable date; to bid at the Sheriff's Sale at the amount of all outstanding municipal liens and claims, including any liens resulting from the costs attributable to completed portions of the abatement plan; and to either:

1. Authorize the Commissioner of Public Property to make the property available for disposition through the Gift Property Program, for the purposes of which disposition the contracting individual shall be considered the first applicant; or
2. Compensate the contracting individual in the amount of any liens satisfied at Sheriff's Sale which are attributable to the Abatement Agreement if the City is an unsuccessful bidder, or if the owner of the abandoned property exercises his or her right to redeem it within statutory time limits.

**PM-903.7 Breach.** Any wilful, material breach of an abatement plan and/or Abatement Agreement by a contracting individual shall render the Abatement Agreement void without further action on the part of the City.

**PM-903.8 Procedure.** Nothing in this Section PM-903 shall be construed to relieve the code official from any bidding procedures required by law.

**PM-903.9 Indemnity.** The contracting individual shall agree to indemnify and hold the City harmless from any damages, costs or other liabilities for any injuries to his or her person or property or to the person or property of any member of his or her household, or of their licensees or invitees, arising from any defective condition or work performed on the premises, or arising from any other causes whatsoever related to the occupancy or performance under the Abatement Agreement.

**PM-903.10 Limited authority.** The Abatement Agreement shall confer no power on the contracting individual, his or her heirs or assigns, to obligate the City to any third parties in any manner whatsoever.

**PM-903.11 Criteria.** In order for a property to be included in the Emergent Nuisance Abatement Program, the following criteria shall be met:

1. The Property must be located in an Emergency Nuisance Abatement Area;
2. The code official has determined pursuant to this code that the property constituted an unsafe structure or unfit dwelling; or, in the case of a vacant lot, the code official has determined that a vacant lot is unsafe. For purposes of this Section, a lot is unsafe if it presents a hazard to the community because of existing violations of this code.
3. The owner of the property has failed to comply, after proper notice, with any abatement order issued by the code official pursuant to this code; or, with respect to a vacant lot, the code official has issued a notice to the owner of the lot stating that the code official has determined the lot to be unsafe, order the owner to abate the unsafe condition, and notifying the owner that the property is subject to the provisions of this Section, and the owner has failed to comply with such order.
4. The property is an abandoned property; and
5. The property shall be determined by the Gift Property Program, or its successor, to be structurally sound (in the case of a dwelling) and susceptible to rehabilitation.

**PM-903.12 Abatement plan.** before entering into any Abatement Agreement with an applicant, the Gift Property Program, or its successor, shall agree with the applicant of an abatement plan to include: the nature and extent of repairs necessary to abate each

condition on the subject premises causing the unsafe or unfit designation; the reasonable monetary value of the labor of the applicant and his or her agents and of the materials and services which will be required to cure each such condition; and a reasonable timetable for completing the abatement plan.

**PM-903.13 Regulations.** The Department of Public Property, the Office of Housing and Community Development or its successor, and the code official are authorized to promulgate regulations to govern their respective responsibilities pursuant to this Section PM-903.