

ORDINANCE:

AN ORDINANCE AMENDING ARTICLE III OF THE CITY ORDINANCES

Be it Ordained by the City Council of the City of Brockton as follows: That Sections 4-40 of Chapter IV is hereby amended by adding the following:

Sec. 4-40.1 PROBLEM PROPERTIES TASK FORCE

Establishing a Problem Properties Task Force.

There is hereby established in the Mayor's Office an advisory panel to be known as the Problem Properties Task Force, the members of which shall meet and share information concerning various properties in the City of Brockton as more fully outlined herein. The panel shall advise the Mayor or his/her designee of the actions taken by various City Departments and public agencies to address problems associated with such property and each member of the panel may use the information about such property in order to better enforce the laws, ordinances, codes or regulations that fall within such member's jurisdiction.

a. The Task Force shall be chaired by a member of the Mayor's staff who shall have the full confidence of the Mayor, and shall be housed in a department of the Mayor's Office as the Mayor shall from time to time designate.

b. Members of the Task Force shall be:

- The Police Commissioner or his/her designee
- The Fire Commissioner or his/her designee
- The Commissioner of the Public Health Division of the Department of Health and Human Services or his/her designee
- The Commissioner of Buildings and Public Property or his/her designee
- The Commissioner of Public Works or his/her designee
- The City Assessor or his/her designee
- The City Planner or his/her designee
- The City Solicitor or his/her designee
- Director of the Brockton Redevelopment Authority or his/her designee
- The Chief Administrator of the Brockton Housing Authority or his/her designee
- The Tax Collector-Treasurer

c. The Task Force shall have regular monthly meetings in City Hall and may meet at other locations in the City. Emergency meetings shall be held at the call of the Chair.

d. Upon the effective date of this ordinance, each member of the Task Force shall make a diligent search of the records of his or her department and gather all records of multiple calls from the public concerning specific addresses in the last twelve (12) month period. Such records shall be forwarded to the Chair, or his/her designee, who shall establish master files for each address forwarded containing all records concerning that address. Such files may be kept in electronic form. Notwithstanding the forgoing, the Police Commissioner shall not forward any record that is part of a criminal investigation.

e. Upon review of each file, the members of the Task Force may determine that a particular property warrants heightened scrutiny by the agency or agencies that they head.

1. In the case of properties in or around which recurring criminal activity has occurred in the preceding twelve (12) months, the Brockton Police Commissioner shall consider the appropriate police action to protect the health, safety and welfare of the inhabitants of the property and the public and all other enforcement actions permitted by law.

2. In the case of properties which have had multiple building and/or sanitary code violations in the preceding twelve (12) months, the Commissioner of the Public Health Division of the Department of Health and Human Services shall, as appropriate, consider whether to expedite code enforcement proceedings and all other enforcement actions permitted by law.

3. In the case of properties which have had multiple fire code violations in the preceding twelve (12) months, the Fire Department Commissioner shall, as appropriate, consider any action necessary to protect the public from all dangerous and hazardous conditions and other enforcement actions permitted by law.

4. Properties that meet the definition of a problem property set forth in Sec. 4-40.2. are subject to designation as "problem properties".

f. The Chair of the Task Force shall perform such duties as may be prescribed by ordinance, including notifying a property owner of the designation of his or her property as a problem property, and notifying a property owner of the intention to impose charges to recover the cost of public safety expenses related to that property.

g. The Tax Collector-Treasurer shall commence foreclosure proceedings for any such property described above in paragraph f. which has delinquent real estate taxes.

h. The Chair of the Task Force shall issue a quarterly report to the Mayor and City Council on the actions undertaken by the agencies represented by its members on problem properties.

Sec. 4-40.2 PROBLEM PROPERTY DEFINITION

A problem property shall be defined as:

1. Any property to which the Police Department has been dispatched or caused to respond not fewer than four (4) times within the preceding twelve (12) month period for any incident involving any criminal offense including but not limited to disturbing the peace, trespassing, underage drinking or assault or violation of any city ordinance involving unreasonable or excessive noise; or

2. Any property that the Public Health Division of the Department of Health and Human Services has received not fewer than four (4) complaints within the preceding twelve (12) month period for noxious, noisome or unsanitary conditions; or

3. The Brockton Fire Department has received not fewer than four (4) sustained complaints within the preceding twelve (12) month period for dangerous and hazardous conditions. Provided, however, that the designation of a property as a problem property shall be made by the Chair taking into consideration the nature of the complaints, the number of dwelling units at the property if any, the impact on the health, safety and security of abutters and the public and the nature of the property.

Sec. 4-40.3 PROBLEM PROPERTY DESIGNATION

Any property in the City that is found by the Mayor's Problem Properties Task Force to be a problem property as defined in Sec. 4-40.2 shall constitute a public nuisance and placed on the Problem Property list. The Chair of the Task Force shall formally communicate to the Mayor, and the Council President, that a property falling within the definition of problem property is a public nuisance and has placed on the Problem Property list. The Chair of the Task Force shall designate the appropriate member of the Task Force to notify the owner of the property by regular and certified mail and the tenants by affixing a notice of the violation to the front door.

Sec. 4-40.4 ENFORCEMENT

After declaring the problem property a public nuisance, the members of the Task Force heading the originating department or the designee of the Chair of the Task Force shall issue a citation to any or all of the tenants and the owner of the property immediately for perpetuating the public nuisance at the time of any incident requiring the deployment of any City resources or personnel following the property being placed on the problem properties list.

Sec. 4-40.5 NON-CRIMINAL DISPOSITIONS

In accordance with Section 21D of Chapter 40 of the Massachusetts General Laws, the City may pursue a non-criminal disposition of any citation issued for violations under this chapter.

Sec. 4-40.6 PENALTIES

Any tenant residing within or owner of a problem property declared to be a public nuisance cited under this chapter with violations prescribed by the State Sanitary Code or State Building Code shall be fined up to three hundred (\$300.00) dollars for each criminal or non-criminal citation authorized by said codes caused by their acts or omissions subsequent to the property being added to the problem property list. If the

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violation is ongoing, each day that the violation persists will constitute a separate violation for which an additional three hundred (\$300.00) dollar fine will be imposed.

Sec. 4-40.7 REMEDIATION

Any owner of a property determined to be a problem property shall file a management plan with the Task Force, within thirty (30) days of having been deemed a problem property that outlines and verifies the owner's strategy and steps devised to bring the property up to code.

Sec. 4-40.8 RECEIVERSHIP

Should the owner of a property placed on the problem properties list not respond to the Problem Properties Task Force notification within thirty (30) days, the Task Force is authorized to petition the Housing Court for the appointment of a receiver to rehabilitate that property.

Sec. 4-40.8 REPORTING

The Task Force shall, no later than three (3) months after the one (1) year anniversary of the enactment date of this ordinance, dispatch to the Mayor and City Council, a report on all problem properties that were on the problem properties list during the preceding year.

Dennis Eaniri

Councillor

Councillor Dennis R. Eaniri

IN CITY COUNCIL

October 28, 2019
READ AND REFERRED TO STANDING
COMMITTEE ON *ordinance*

Anthony J. Zeali
CLERK

In City Council November 25, 2019

The amendment passed by a hand vote.
Passed to a third reading, as amended
by a hand vote.

SENT TO MAYOR FOR APPROVAL

DECEMBER 12, 2019
APPROVED
[Signature] 12/11/19
MAYOR

Anthony J. Zeali
City Clerk

In City Council December 9, 2019

Ordained as amended, by a roll call vote
taken by "yeas and nays"; 10 members
present and all voting in the affirmative.
Councillor Cruise absent.

Anthony J. Zeali
City Clerk

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as amended

In City Council, _____, 2019

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a. The Task Force shall be chaired by a member of the Mayor's staff who shall have the full confidence of the Mayor, and shall be housed in a department of the Mayor's Office as the Mayor shall from time to time designate.

b. Members of the Task Force shall be:

- The Police Chief or his/her designee
- The Fire Chief or his/her designee
- The department head of the Board of Health Department or his/her designee
- The Superintendent of Public Buildings or his/her designee
- The Commissioner of Public Works or his/her designee
- The City Assessor or his/her designee
- The City Planner or his/her designee
- The City Solicitor or his/her designee
- The Tax Collector-Treasurer or his/her designee

c. The Task Force shall have regular monthly meetings in City Hall and may meet at other locations in the City. Emergency meetings shall be held at the call of the Chair.

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Sec. 4-40.2

Within sixty (60) days, the task force shall submit a written proposal to the City Council for the operation of the task force functions.