



Neighborhood Renewal Division

AGO

June 7, 2024



Attorney General Andrea Joy Campbell



Attorney General Andrea Joy Campbell is the chief lawyer and law enforcement officer of the Commonwealth of Massachusetts.



Legal Disclaimer

This brief synopsis is provided for introductory, informational purposes only. It is not legal advice and should not be construed as an attempt to provide a legal opinion about any of the matters discussed herein.



NRD Mission

**Property in Violation
of State Sanitary Code**



Safe Habitable Home

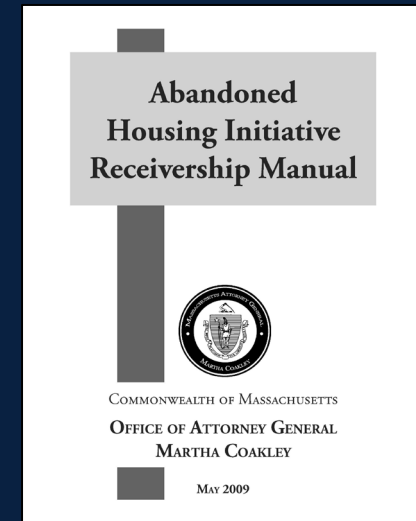
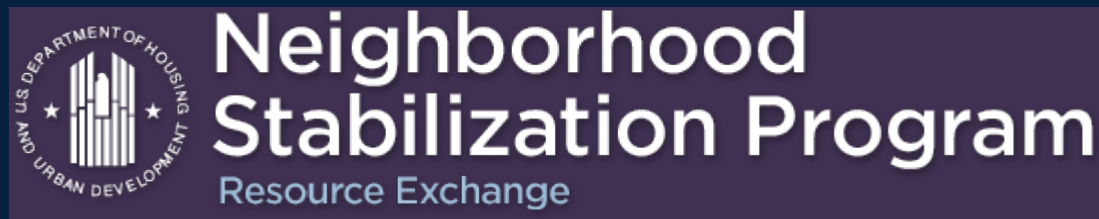




Beginnings of NRD

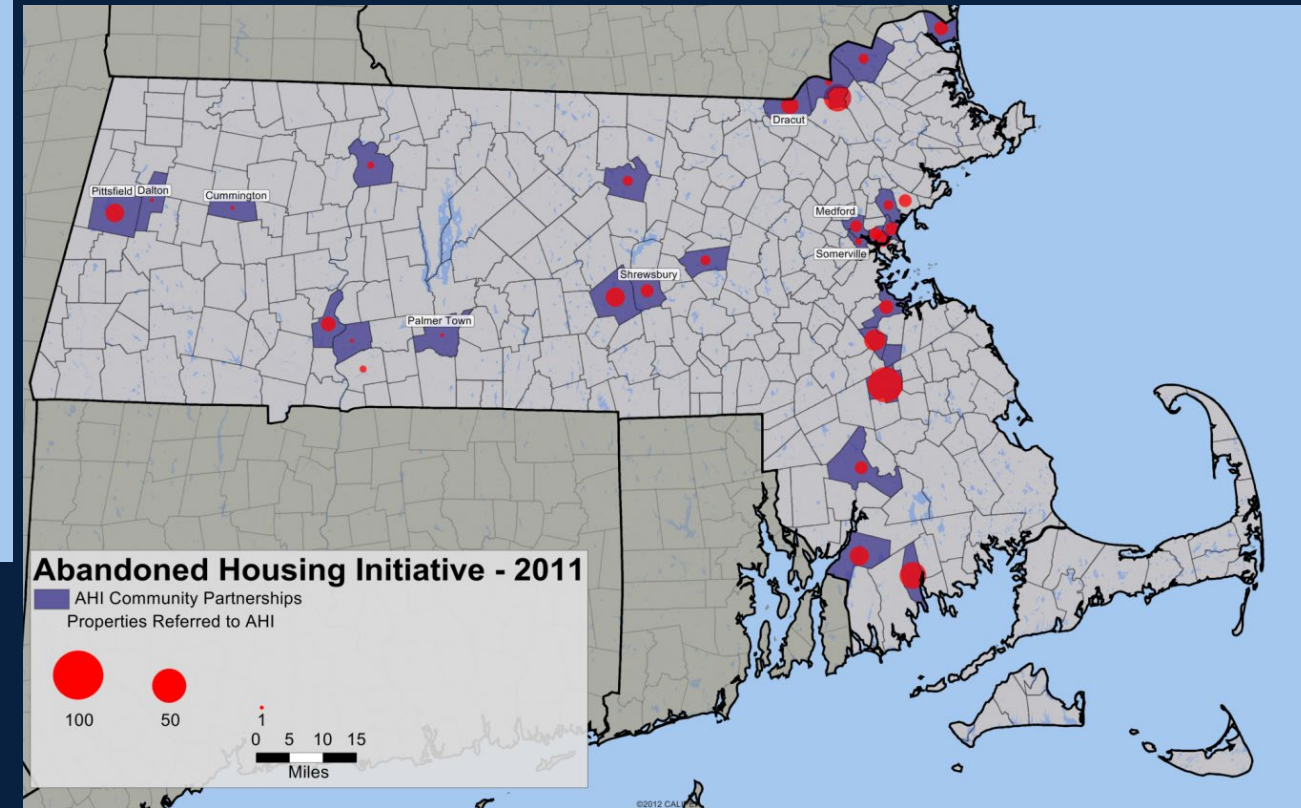
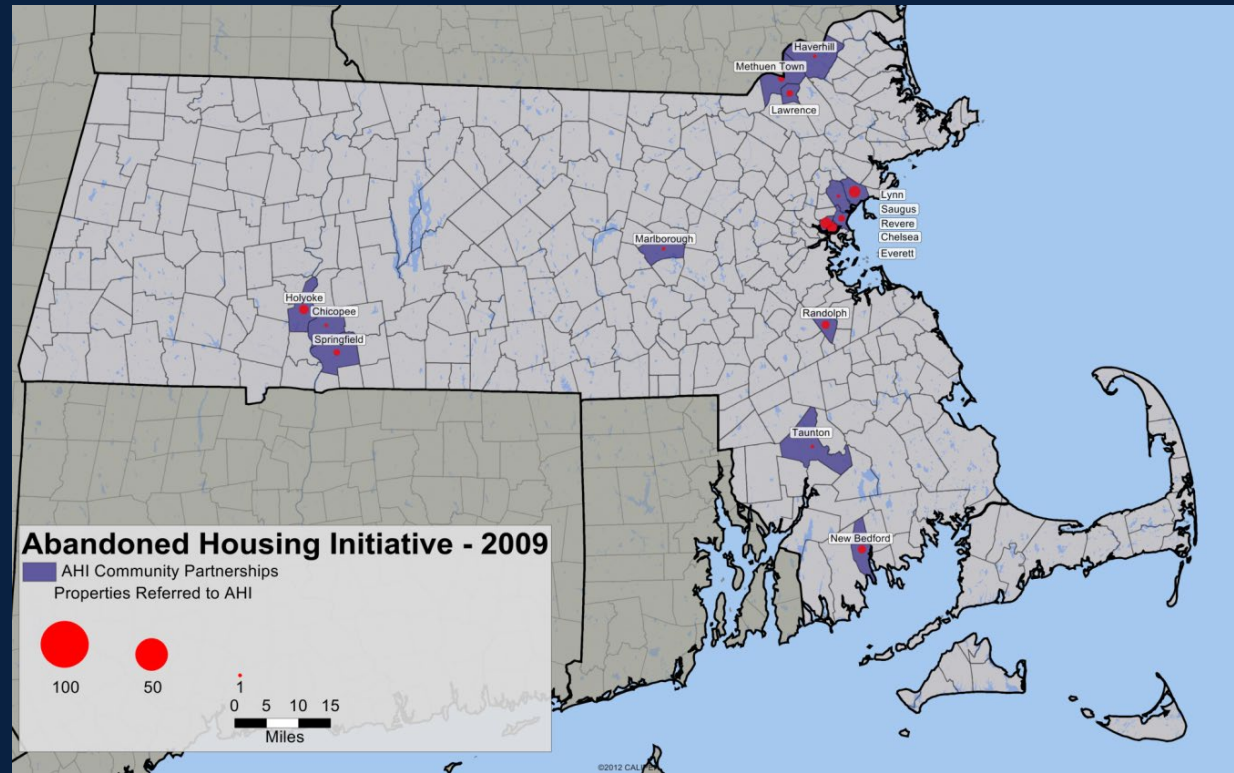
1995 – 2008: Abandoned Housing Task Force

2009 – 2011: Abandoned Housing Initiative funded through NSP Funds



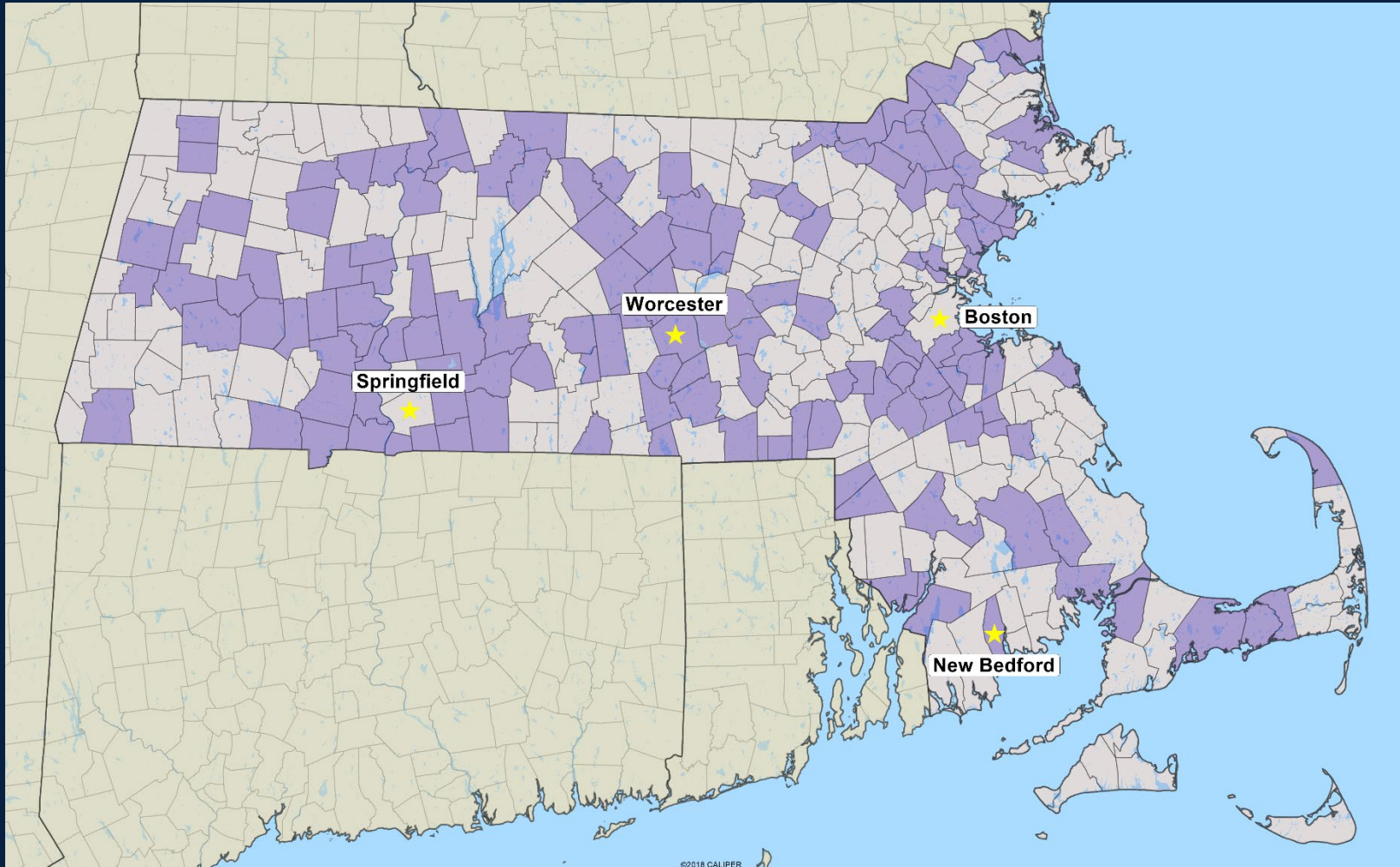


2009 to 2011-Expanding Our Program





Community Partnerships - 2024





NRD Snapshot

167

Number of municipal partners

240+

Active properties

60+

Cases in active litigation

\$912,000+

Municipal back taxes & fees recovered
(FY2022 & FY2023)



Statutory and Legal Authority

M.G.L. c. 111 Section 127I (Receivership Statute)



*City of Boston v. Rochalska





Our Process

1. Municipality Identifies property for NRD/AGO staff.
2. NRD/AGO staff inspect property with Board of Health/Town officials.
3. If property fits program, BOH shares violation letters with AGO.
4. AGO conducts title search and demand letters are sent by AGO to all interested parties.

Based on response:

- If cooperative, owner works to bring property up to code within a short period of time; written agreement can be made.
- If uncooperative or unresponsive owner, AGO files Receivership Petition in Housing Court.



When To Use Receivership?

- Vacant/partially vacant residential property
- Property with conditions that violate the State Sanitary Code **AND** repairs to ensure compliance **WILL NOT** exceed the market value of the property
- When there is a willing receiver, who has funding, is insured, and has been vetted by the court
- Property with a suitable amount of unpaid or outstanding tax bills or liens



Municipality Identifies Distressed Properties





Property Visit and Inspection





Violation or Order Letters

- Municipal letters come in all different forms but must cite to violations of the Sanitary Code
- Common examples of violations are the existence of overgrowth, rubbish, garbage and structural damage
- Once NRD receives municipal documents, we will move forward with next steps (title search & demand letter)



Title Search to Identify Owners and Parties in Interest





NRD Demand Letter

In its present condition, the property is unfit for human habitation and poses a severe and continuing threat to the health and safety of trespassers, neighbors, and the public in general in violation of 105 CMR 410.750. There are a number of long-standing violations of the State Sanitary Code and other laws at this property, which was condemned by the ~~Health~~ Board of Health in March of 2023. Many of the property's structural elements are in disrepair in violation of 105 CMR 410.500. For instance, the roof of the property has multiple gaping holes which are compromising the entire structure. The unsound condition of the roof also permits wildlife and weather elements to enter the property causing further deterioration. Additionally, there is an accumulation of overgrowth and trash on the property, in violation of 105 CMR 410.602. The overgrowth that is present creates an environment that attracts and harbors rodents and other vermin. The failure to secure, manage, and maintain the property in a lawful manner allows the property to be used by trespassers for illegal activities, thereby creating a continuing nuisance.

July 10, 2023

Via First Class and Certified Mail RRR
[REDACTED]

Via First Class and Certified Mail RRR
[REDACTED]

The State Sanitary Code and other applicable codes and applicable Massachusetts law allows this office and the City of ~~Framingham~~ to petition the appropriate court for the appointment of a receiver. *Please be advised that, unless you contact this office within seven calendar days, a petition for appointment of a receiver will be filed with the Court pursuant to M.G.L. c.111, §127I (copy enclosed) and the court's general equity jurisdiction.* Although we are willing to discuss a reasonable resolution of these violations, conditions require that we commence an action in short order to protect the public's interests should you fail or refuse to comply with your obligations under Massachusetts law as the property owner.

Cooperative
Owner

Uncooperative
Owner



Cooperative Owner

- Work with the owner to get compliance prior to filing an action if owner is cooperative
- Can be written or oral agreement
- In consultation with municipality, timeframes are established to complete work to remedy code violations



Settlement Agreement

- Formal agreement to correct violations and avoid the appointment of a receiver
- Filed with the court and has the effect of a court issued order
- Establishes timeframes for the correction of all cited violations
- Case can be dismissed or Court can monitor for compliance



Uncooperative Owner and Petition for Receivership

- Where an owner is uncooperative, we may file a petition for receivership.
 - A petition may be allowed when the property poses a danger to the health, safety, and well-being of abutters and the general public
- Pleadings include a petition, supporting affidavits with exhibits and a proposed order
- Health Department affidavits listing cited violations and actions taken by a municipality are required



Receiver Appointed





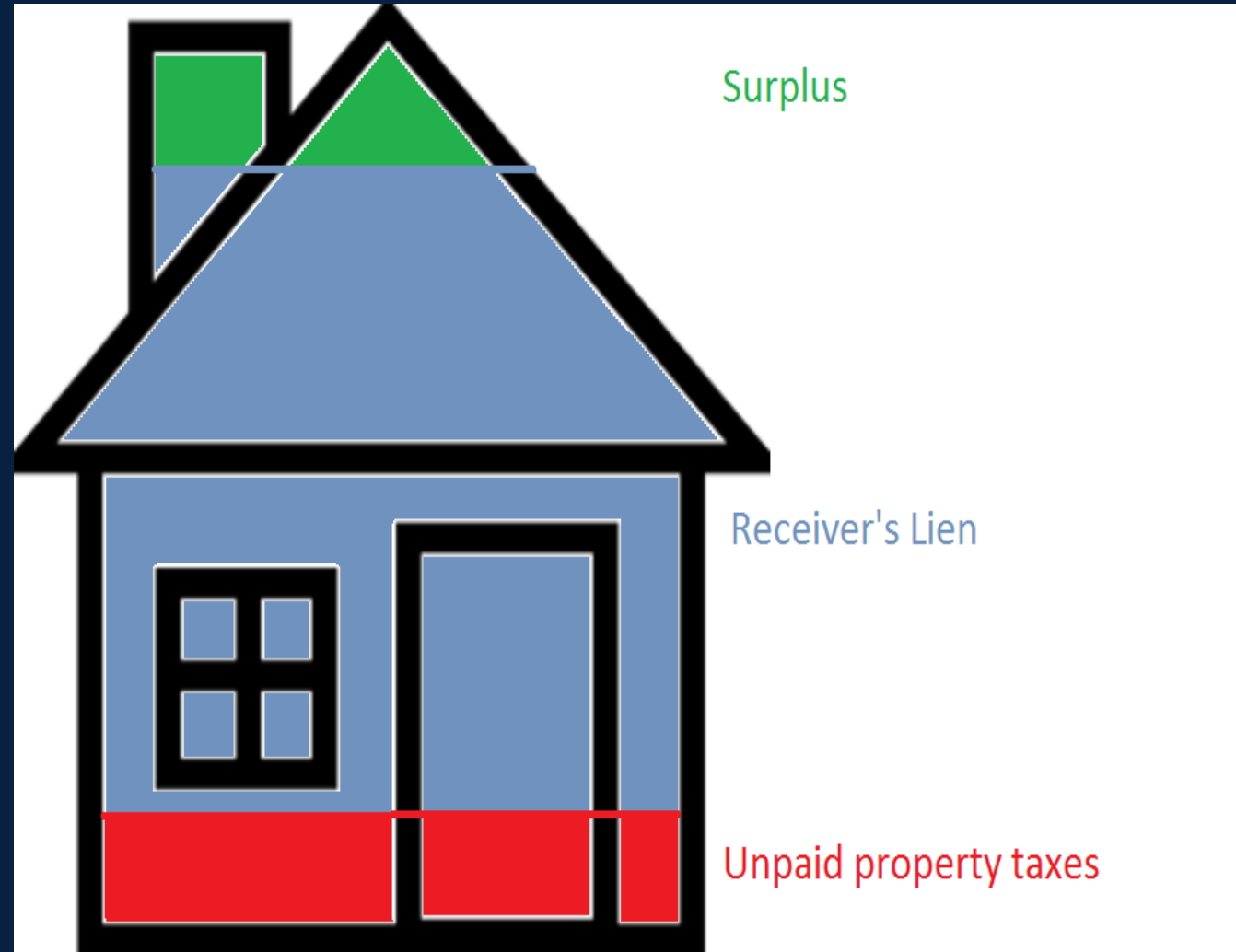
Post-Appointment, What Happens Next?

- Receiver exercises control of the property and completes a full inspection
- A proposed budget and scope of work is submitted to the court for approval
- Once allowed, the progress is monitored by the court through scheduled hearings and receiver reports



How Does the Receiver Get Paid?

- Receiver requests authority from the Court to foreclose and recover their lien
- Owner or other Party can elect to pay lien
- A sale of Property through a Public Auction or Public Sale is held



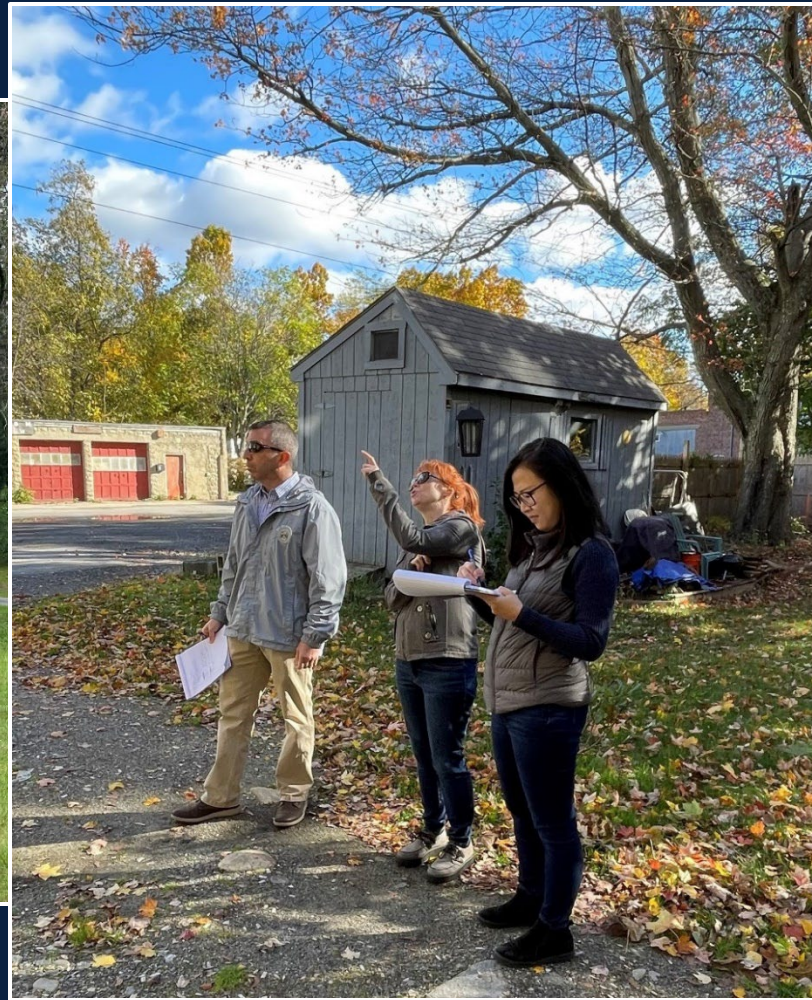


Result





Success Stories





22 West Main St./34 Bridge St., Millers Falls

BEFORE





22 West Main St./34 Bridge St., Millers Falls

AFTER





22 West Main St./34 Bridge St., Millers Falls

AFTER





136 Buckland Rd, Ashfield

BEFORE





136 Buckland Rd, Ashfield

BEFORE





136 Buckland Rd, Ashfield

AFTER





136 Buckland Rd, Ashfield

AFTER





136 Buckland Rd, Ashfield

AFTER



After Photos- compass.com



100 Fairview Street, Greenfield

BEFORE





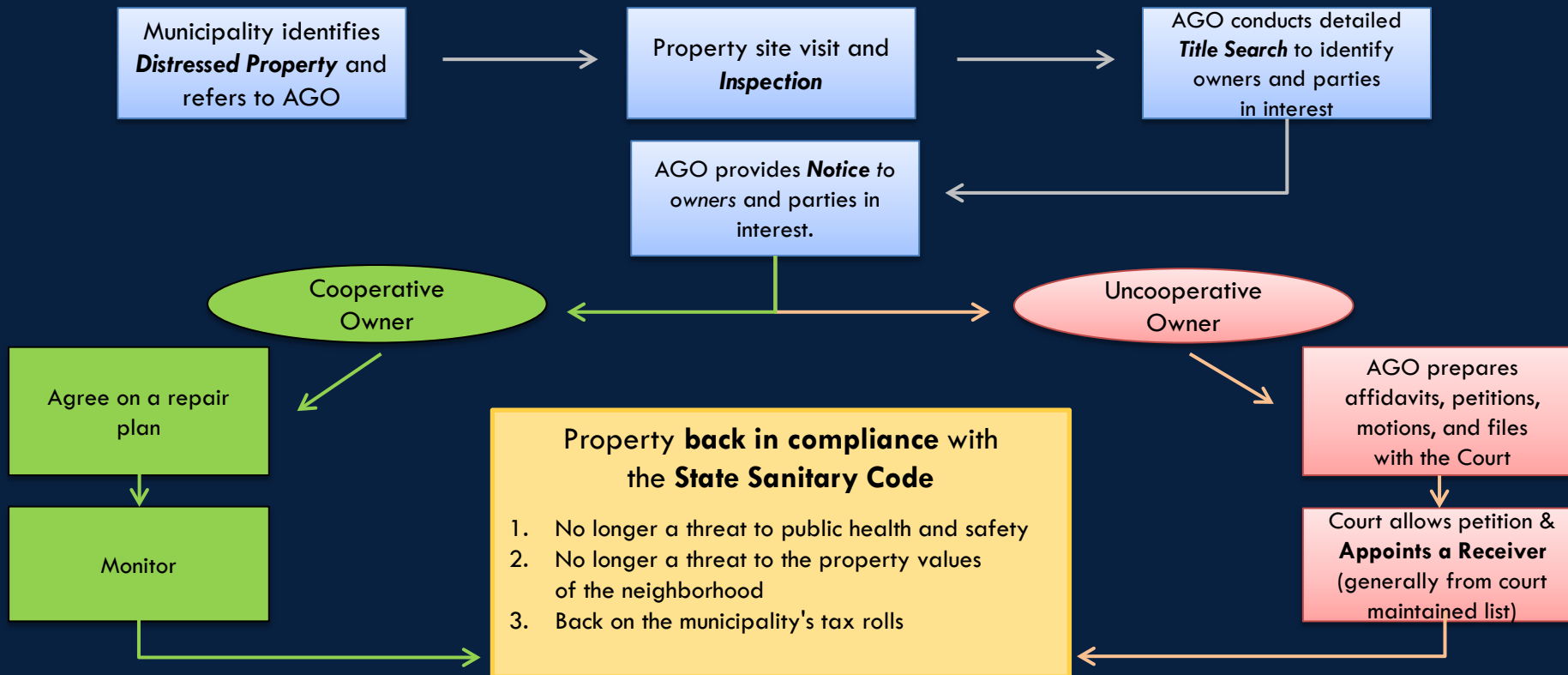
100 Fairview Street, Greenfield

AFTER





NRD Receivership Process





Grants

- Grant Opportunities for municipalities, non-profits, and potential receivers are at times available on the Massachusetts Attorney General's website:

mass.gov/grant-opportunities-at-the-attorney-generals-office



NRD Contacts & Information

Neighborhood Renewal Division:
NeighborhoodRenewal@mass.gov

Receivership Manual:

<https://www.mass.gov/guides/neighborhood-renewal-division-housing-receivership-manual>