

ARTICLE XVIII

PROPERTY MAINTENANCE

Registration and Maintenance of Abandoned and/or Foreclosed Properties.

Section 1: Purpose; enforcement authority

- A. It is the purpose and intent of this bylaw to protect and preserve public safety, health, welfare and security, and the quiet enjoyment of occupants, abutters, and neighbors, by:
 - 1. Requiring all residential property owners, including lenders, trustees and service companies, to register abandoned and/or foreclosed residential properties with the Town of Acushnet; and by
 - 2. Regulating the maintenance and security of abandoned and/or foreclosed residential properties to help prevent blighted and unsecured residences.
- B. The Building Commissioner or another designee of the Board of Selectmen shall have enforcement authority as to this bylaw and is herein authorized to conduct inspections as authorized under this bylaw.

Section 2: Definitions

When used in this bylaw, the following terms shall have the following meanings, unless a contrary intention clearly appears:

ABANDONED – A residential property which is not being used or occupied as a residence despite containing a residential building. "Abandoned" does not include a residential building that is unoccupied while undergoing renovations, or while undergoing repairs due to fire or other casualty. "Abandoned" does not apply to accessory buildings or structures on the premises nor does it apply to residential property that is temporarily vacant due to seasonal absences.

COMMISSIONER – The Building Commissioner of the Town of Acushnet or a designee authorized to enforce the terms of this bylaw.

DAYS – Consecutive calendar days.

FORECLOSED – A property, placed as security for a real estate loan, as to which all rights of the mortgagor or his grantee in the property have been terminated as a result of a default of the loan.

LOCAL – Within 20 miles of the property in question.

MORTGAGEE – The creditor, including but not limited to service companies, lenders, in a mortgage agreement, or any successor in interest of the mortgagee's rights, interests or obligations under the relevant mortgage agreement.

PROPERTY – Any real, residential property or portion thereof, located in the Town of Acushnet, including but not limited to buildings and structures situated on such property.

RESIDENTIAL PROPERTY – Any property that contains one or more dwelling units used, intended, or designed to be occupied for living purposes.

TOWN – The Town of Acushnet.

Section 3: Registration required

A. All owners or mortgagees of abandoned and/or foreclosed residential properties shall register such properties with the Commissioner on forms provided by the Commissioner. If the owner is an out-of-state corporation, person, or other entity, the owner shall appoint an in-state agent authorized to accept service of process and other documents under this bylaw.

1. Each registration must state the owner's, mortgagee's or agent's name, telephone number and mailing address located within the Commonwealth of Massachusetts, including the name of the owner, street number, street name, city or town, and zip code; the mailing address shall not be a post office box.
2. Each registration must also certify that the property has been inspected by the owner and must identify whether the property is abandoned, and if abandoned, the condition of the property and the status of maintenance thereof. Each registration must designate a local individual or local property management company responsible for the maintenance and security of this property. This designation must state the individual or company's name, direct telephone number, and local mailing address; the mailing addresses shall not be a post office box.
 - i. If the owner's inspection determines that the property is abandoned, the registration must be received by the Commissioner within seven days of the owner's inspection.
 - ii. If the owner's inspection determines that the property is not abandoned, but has been foreclosed, the registration must be received by the Commissioner within seven days of the foreclosure.
 - iii. If an inspection by the Commissioner determines that a property is abandoned and improperly maintained, the Commissioner shall notify the owner, mortgagee or his/her agent accordingly and, subsequently, registration as an abandoned property must be received by the Commissioner within 14 days of the Commissioner's notice.

- B. All property registrations pursuant to this section are valid for one calendar year from the date when the registration is received by the Commissioner. An annual registration fee of \$100 must accompany the registration form. Subsequent registrations and fees are due within 30 days after the date of the expiration of the previous registration. Subsequent registrations must certify whether the property remains abandoned and/or remains in foreclosure and shall restate the current condition of such property as required above.
- C. Any owner that has registered a property under this section must report any material change in the information contained in the registration within ten (10) days of the change.
- D. Once the property is no longer abandoned or is sold, the owner shall provide the Commissioner with written notice of legal occupancy or proof of sale, as the case may be.

Section 4: Maintenance and security

- A. Properties subject to this bylaw must be maintained in accordance with the State Building Code and with orders issued by the Commissioner in order to ensure the safety thereof. The local owner or local property management company must inspect and maintain the property on at least a monthly basis for as long as the property is abandoned.
- B. In accordance with state law, including but not limited to MGL c. 143, §§ 6 through 10, and 780 CMR 121.0, property that is abandoned must be safe and must be secured so as not to be accessible to unauthorized persons.
- C. Compliance with this section does not relieve the owner of any applicable obligations set forth in code regulations, covenant conditions, requirements of the Commissioner, and/or homeowners' association rules and regulations.

Section 5: Inspections

Pursuant to the State Building Code, the Commissioner or his/her designee shall have the authority and the duty to inspect properties subject to this bylaw for compliance with this bylaw and to issue citations for any violations. The Commissioner or his/her designee shall have the discretion to determine when and how such inspections are to be made, provided such determination is reasonably calculated to ensure that this bylaw and the State Building Code are enforced.

Section 6: Violations and penalties.

In addition to any other means of enforcement available to the Commissioner, the Commissioner or a designee hereunder may enforce this bylaw by means of

noncriminal enforcement pursuant to MGL c. 40, § 21D. The following penalties are established for purposes of said noncriminal disposition:

- A. A failure to initially register with the Commissioner pursuant to §3: \$300.
- B. A failure to properly designate the name of the local individual or local property management company responsible for the maintenance and the security of the property pursuant to §3: \$300 for each violation, and a like penalty for each day's continuation of such violation.
- C. A failure to maintain and/or to secure the property pursuant to §4: \$300 for each week during which the property is not maintained and/or not secured.
- D. The penalties provided in this section shall not be construed to restrict the Town from pursuing other legal remedies available to the Town. Violation of this bylaw shall be subject to a fine not to exceed \$300 for each violation; each day shall be considered a new violation, except as may be otherwise stated herein.

Section 7: Severability.

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