



TOWN OF PELHAM
AN ORDINANCE
REGULATING THE MAINTENANCE OF
ABANDONED, FORECLOSED RESIDENTIAL
PROPERTIES

WHEREAS, Recent events in the housing market have led to a drastic rise in the number of foreclosed houses and other properties. In cities and towns all over the nation, homes are being left empty as families are forced to move out. These homes are frequently retaken by banks, financial institution and large real estate conglomerates that have little to no connection with the municipality in which they own property; and,

WHEREAS, Many of these residential properties are essentially abandoned. Homes sit empty for months or years at a time, often creating an attractive public nuisance. Some homes are in violation of multiple aspects of state and local building codes and sanitary codes. The owner of record is often a large financial institution located out of state, making enforcement of the code very difficult; and,

WHEREAS, This problem exists from California to Ohio to New Hampshire. Banks and other financial institutions are refusing to maintain properties, and municipal building inspectors have turned into investigators as they try to find out who the owners are and how to contact them to correct code violations; and,

WHEREAS, These code violations include, among multiple other violations, unoccupied buildings susceptible to vandalism and/or open structures rendering them unsafe and dangerous, yards full of litter and trash, unlocked houses, un-shoveled snow that renders sidewalks impassable, overgrown grass and bushes, and unsecured swimming pools that are not only a threat to children but become breeding grounds for infectious insects such as mosquitoes; NOW,

By virtue of the passage of this town ordinance by the Citizens of Pelham NH, as follows, that Pelham's Town Code shall be amended by adding the following ordinance:

Regulating the Maintenance of Abandoned and Foreclosing Residential Properties.

1) Purpose, Enforcement, and Definitions:

a) Purpose. It is the intent of this Ordinance 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 abandoned and/or foreclosing properties (ii) regulating the maintenance of abandoned and/or foreclosing, residential properties to prevent blighted and unsecured residences.

b) Enforcement. The Board of Selectmen shall have enforcement authority pursuant to this regulation and may request inspectional assistance from all town departments including Public Safety, Building, Health, and Planning. Nothing in these regulations prevents the Board from putting together a Troubled Properties Task Force made up of individuals from the above mentioned departments as well as the citizens at large in the

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

Abandoned means any property that is vacant for more than 60 days.

Town means Town of Pelham.

Public Safety includes Fire, Police, and Highway Departments.

Health Department means the Public Health Inspector

Building Department includes the Building, Plumbing, and Electrical Inspectors.

Planning Department includes the Town Planner and Code Enforcement Officer

Days mean consecutive calendar days.

"Evidence of vacancy" means any condition that would lead a reasonable person to believe that the property is vacant

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 State Statutes(ii) publishing the first foreclosure notice of a residential property pursuant to State Statutes or (iii) commencing a foreclosure action on a residential property in a court of competent jurisdiction.

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

Mortgagee means the creditor, including but not limited to, service companies and lenders, in a mortgage agreement.

Mortgagee in possession means a mortgagee that has taken over control and/or occupancy of a property upon default of the borrower to collect income from the property and/or prepare for foreclosure

Owner means every person, entity, service company, property manager or real estate practitioner, who individually 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, or

2) has care, charge or control of any dwelling, dwelling unit, mobile dwelling unit or parcel of land, vacant or otherwise, in any capacity including but not limited to agent, executor, executrix, administrator, 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.

6) is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated the foreclosure process.

7) Any person or entity listed in the most recent real estate records or their duly authorized agent, attorney, purchaser, devisee, trustee, or any duly authorized person or entity having vested or equitable interest in the use, structure or lot in question as recorded in the appropriate NH Registry of Deeds.

Property means any real property, or portion thereof, located in the Town of Pelham, including building or structures situated on the property.

Residential Property means. Property used for human habitation containing one or more dwelling units.

Vacant means a structure or building not legally occupied.

2) Registration of Abandoned and/or Foreclosing Residential Properties
Duty to Provide Written Notice of Abandoned Property and/or Mortgage Foreclosure.

a) All owners must register abandoned and/or foreclosing residential properties with the Town Clerk's Office on forms provided by the Town Clerk. All registrations must state the individual owner's or agent's phone number and mailing address located within the State as required. 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 abandoned. If the property is abandoned, the registration must designate 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. This registration must be received within seven days of abandonment or within seven days of the initiation of the foreclosure process as defined in subsection

b) All property registrations are valid for one year. An annual registration fee of one hundred dollars and no cents (\$100.00) must accompany the registration form. The fee and registration are valid for the calendar year, or remaining portion of the calendar year, in which the registration was initially required. Subsequent registrations and fees are due January 1st of each year and must certify whether the foreclosing and/or foreclosed property remains abandoned or not.

c) Once the property is no longer abandoned or is sold, the owner must provide proof of sale by a copy of the recorded deed or written notice of occupancy to the Town Clerk's Office.

d) **Maintenance Requirements** Properties subject to this section must be maintained in accordance with all applicable Sanitary Codes, Building Codes, and other local regulations. Properties that become "troubled" are a public nuisance and can lead to blighted neighborhoods and result in lower property values and taxes collected. The local owner or local property management company must inspect and maintain the property on a monthly basis for the duration of the abandonment. Properly maintained properties will be sound to the out door elements, plumbing systems will not leak and electrical systems will be maintained. The property will have no overgrowth or overcrowding, require repetitive police calls, or accumulate trash, nor be the scene of vandalism or unauthorized entry by youths or unwanted. Properties shall not fall into disrepair. Lawns, driveways, walkways, and pools will be maintained for safety purposes. Adherence to this section does not relieve the property owner of any other applicable obligations set forth in the Town's Code regulations, Covenant Conditions and Restrictions, and/or Home Owners Association rules and regulations. Property owners may face liens for any necessary actions to correct hazardous conditions.

e) **Inspections** The Board of Selectman shall have the authority and the duty to assign the inspection of all properties subject to this section for compliance to all State Statutes and Town of Pelham Building and Sanitation Codes and to issue citations for any violations. The Board of Selectmen 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 Town Clerk's Office 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 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 month the property is not maintained.

Violations of this town ordinance shall be treated as a strict liability offense regardless of intent.

g) Appeal. Any person aggrieved by the requirements of this section or by a decision issued under this section by the Board of Selectmen, may seek relief in any court of competent jurisdiction as provided by the laws of the State of New Hampshire.

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 Board of Selectmen has 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 loan institutions, banks, real estate offices, and management companies located in and/or having legal or equitable interest in residential property located in the Town of Pelham NH.

We the citizens of Pelham hereby request the Board of Selectmen to put the Ordinance
Regulating the Maintenance of Abandoned and Foreclosing Residential Properties on the 2009
Town Warrant.

Print Name	Signature	Address	Town	Zip
1 William S. Scanzani	William Scanzani	1 Victoria Circle	Pelham	03076
2 Louise Scanzani	Louise Scanzani	1 Victoria Cir	Pelham	03076
3 EDMUND J GLEASON	Edmund Gleason	3 Bush Hill Rd	Pelham	03076
4 Mary C Gleason	Mary C Gleason	3 Bush Hill Rd	Pelham	03076
5 ROBERT TURNQUIST	Robert Turnquist	3 EARLENE DR	PELHAM	03076
6 STEVE CARUSO	Steve Caruso	25 BEACON HILL RD	PELHAM	03076
7 Anne-Marie Caruso	Anne-Marie Caruso	25 BEACON HILL RD	Pelham	03076
8 Constance Hogan	Christine Hogan	12A Jeremy Hill Rd	Pelham	03076
9 KEN FOUNDIS	Ken Foundis	76 MARSH RD	PELHAM	03076
10 Priscilla Foundis	PRISCILLA FOUNDIS	76 MARSH RD	PELHAM	03076
11 John Barrett	John Barrett	15 Albert St	Pelham	03076
12 Jim Greerwood	Jim Greerwood	7 Elmwood Ave	Pelham	03076
13 Dennis Hogan	Dennis Hogan	12A Jeremy Hill Rd	Pelham	03076
14 Dolores Grigio	Dolores Grigio	4 Auburn Ave	Pelham	03076
15 ANDREA L GENESEAN	Andrea L. Genesean	9 Snow Circle #1	Pelham	03076
16 Joan Berardi	Joan Berardi	134 Old Gage Hill Rd	Pelham	03076
17 ARMAND BERARD	Armand Berardi	134 Old Gage Hill Rd	Pelham	03076
18 David Meltzer	David Meltzer	1138 Bridge St	Pelham	03076
19 Douglas Fyfe	Douglas Fyfe	10 Wilshire Lane	Pelham	03076
20 Cheryl A Fyfe	Cheryl A Fyfe	10 Wilshire Ln	Pelham	03076
21 LORI ADAMS	Lori Adams	9 Luann Lane	Pelham	03076
22 Cal Adams	Cal Adams	9 Luann Lane	Pelham	03076
23 Charlotte Moore	Charlotte Moore	56 Simpson Rd	Pelham	03076
24 RICHARD MOORE	Richard Moore	56 SIMPSON RD.	PELHAM	03076
24 William J TARRER	William J Tarrar	11 S. MARGARET DR	Pelham	03076
26 KENNETH DARRANCE	Kenneth Darrance	7 St. MARGARET'S DR	PELHAM	03076
27 STEPHEN WHITE	Stephen White	7 St. MARGARET DR	PELHAM	03076
28 CHRISTINE HAGLUND	Christine Haglund	57 Dutton Rd	Pelham	03076
29 DAVID HENNESSEY	David Hennessey	71 Dutton Rd	Pelham	03076
30 Alice M Symonovitch	Alice M Symonovitch	71 Dutton Rd	Pelham	03076
31 PAUL R. GAGNON	Paul R. Gagnon	103 Dutton Rd	Pelham	03076
32 Yvonne La-Garde	Yvonne La-Garde	103 Dutton Rd	Pelham	03076
33 Philip Scanzani	Philip Scanzani	1 Victoria Cir	Pelham	03076

34	Andree Duchesne	Andree	19 Willow St	Pelham	03076
35	Corin Duchesne	Corin	19 Willow St.	Pelham	03076
36	MICHELLE HAMM	M	5 CARLAND DR	Dan	03076
37	Michael Grant	Michael	6 Dutton Rd	Pelham	03076
38	Jason Croteau	Joe C	98 Dutton rd	Pelham	03076
39	Raymond Croteau	Ray	10 Ledge Rd	Pelham	03076
40	Shawn Croteau	Shawn	3A Ledge Rd	Pelham	03076
41	Arthur Croteau	Arthur	9 Ledge Rd	Pelham	03076
42	Virginia Fichera	Virginia Fichera	50 Dutton Rd	Pelham	03076
43	Shirley JANOCKA	Shirley Janocka	65 Valley Hill Rd	Pelham	03076
44	CORINNE NIEDZIOCKI	Corinne Niedziowski	11 Spring St.	Pelham	03076
45	Carolyn Law	Carolyn M Row	9 Atwood Rd	Pelham	03076
46	Edward Richard	Ed Richard	6 Wintham Rd	Pelham	03076
47	MAUREEN McNAMARA	Maureen C. McNamara	19 Brookview Dr.	Pelham	03076
48	Brenda Hammar	Brenda Hammar	96 Jeremy Hill Rd	Pelham	03076
49	ALRICK P HAMMAN	Alrick P Hamman	96 Jeremy Hill Rd	Pelham	03076
50	PAL L. DADAK	P	103 JAMES RD	Pelham	03076
	Peter McNamara	Peter McNamara	12 Juncy Hill	Pelham	03076
	JAMES L. McNAMARA	James L. McNamara	36 Sepulch Way	Pelham	03076
	Pat CRIBERT	Pat Cribert	44 SIMPSON RD	Pelham	03076
	Chris LaFrance	Chris LaFrance	238 Old Gage Hill Rd	Pelham	03076
	Daryle Hillsgrrove	Daryle Hillsgrrove	20 Pondview Dr	Pelham	03076
	ROBERT HARDY	Robert Hardy	19 Fletcher Dr	Pelham	03076