



City of
GREENFIELD, MASSACHUSETTS

Department of Inspections and Enforcement

Mark A. Snow
Inspector of Buildings

Roxann D. Wedegartner
Mayor

City Hall • 14 Court Square • Greenfield, MA 01301
Phone: 413-772-1404 x 2105 • Mark.Snow@greenfield-ma.gov • www.greenfield-ma.gov

VACANT AND FORECLOSING PROPERTY REGISTRATION

On December 14, 2014 the City of Greenfield adopted an ordinance requiring the registration of vacant and foreclosing residential or commercial/business buildings to protect the health, safety and welfare of the citizens of Greenfield. This ordinance will help secure the welfare of the Town's residents & neighborhoods by requiring all property owners, including lenders, trustees and service companies and the like, to register and properly maintain their respective properties.

If you are the owner of a vacant property or are the institution foreclosing on a property in the Town Of Greenfield, you must:

1. Fill out the attached **registration form** and return to the Building Department, 14 Court Square, Greenfield, MA 01301 accompanied by a **one-time** registration fee in the amount of \$25.00. Incomplete forms will not be accepted. Property registrations are valid for one (1) calendar year. Subsequent annual registrations are due within thirty (30) days from the previous registration.
2. Identify a **local Property Management Company or individual** if property is vacant, and post name and 24-hour contact telephone number, on the front door of the property.
3. Maintain the property in accordance with all applicable codes, inspect monthly for the duration of the vacancy, board and secure the property.

If the property is in the process of foreclosure, then the registration must be received within seven (7) days of the initiation of the foreclosure process. If the Building Inspector determines that the property is vacant and that foreclosure proceedings **have not** been initiated, the registration must be received within fourteen (14) days of the Building Inspector's first citation for improper maintenance. Failure to initially register with the Inspector of Buildings is punishable by a fine of \$300. Failure to properly identify the name of the local individual or local Property Management Company is punishable by a fine of \$300. Failure to maintain the property is punishable by a fine of \$300 for each week the property is not maintained.

Attached to this notice is the text of the Vacant and Foreclosing Property Ordinance and the registration form.

If you have any questions or need assistance in completing a registration, please call 413-772-1404. Thank you for your assistance.



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Official Use Only

Parcel # _____ Payment Rec'd Payment Date _____ Payment Method _____

Inspected Inspection Date _____ Inspector _____

VACANT AND FORECLOSING PROPERTY REGISTRATION

NEW UPDATE RENEWAL

Vacant Foreclosing/Foreclosed (Occupied) Foreclosing/Foreclosed (Vacant)

Residential Commercial Industrial

1. Property Information

Property Address: _____ No. of Units _____

Description of Property: _____

Existing Utilities: On Off Red Tagged Winterized (if vacant) Other

Date in which property became vacant (if applicable): _____

2. Local Property Management Information

Local individual or Local Property Mgmt. Co: _____

Contact Name: _____ Phone No.: _____

Address (NO PO BOX) _____

City: _____ State: _____ Zip: _____

24 Hour Contact Telephone, Cellular Phone, or Pager No.: _____

Use above contact for registration inspection? Yes No (If no, provide name &

Phone no.) Name _____ Phone No. _____

3. Owner/Agent Information

Property Owner or Foreclosing Institution

Contact Name _____ Phone No: _____

Address(NO PO BOX): _____

City: _____ State: _____ Zip: _____

**OWNER/LENDER/LIEN HOLDER RESPONSIBILITY&CERTIFICATION
(Registration applicants shall read and initial)**

In accordance with the City of Greenfield's "Vacant and Foreclosing Property Ordinance" by signing below you:

- Certify that the information provided is accurate and **Agree** to notify the Building Inspector of any updates. **Initial** _____
- **Agree** to pay the **one-time fee** of \$25 at time of registration. Agree that this Property Registration is valid for one year from the date of initial registration, and **Agree** to renew this Property Registration within 30 days of expiration. Once the property is no longer vacant or sold, you **Agree** to provide proof of sale or written notice and proof of occupancy to the Building Inspector. **Initial** _____
- If the property is vacant, **Agree** to maintain a local individual or property management company to secure and maintain the property. **Initial** _____
- **Agree** to post and maintain updated name and 24-hour contact telephone number of local individual or property management company on the front door of property. **Initial** _____
- **Agree** that the owner, local individual or local property management company will inspect and maintain the property on a monthly basis for the duration of the vacancy, in accordance with the relevant City Of Greenfield codes. **Initial** _____
- **Agree** that the compliance with this ordinance shall not relieve the owner of any applicable obligations set forth in any other codes, regulations, covenant conditions or restrictions, and /or homeowner or condominium association rules and regulations. **Initial** _____

Applicant Signature

Printed Applicant Name

Date

**Please keep the following
Town Ordinance for your records**

Chapter 431

VACANT AND FORECLOSING PROPERTY

§ 431-1. Authority and purpose.

§ 431-4. Maintenance requirements.

§ 431-2. Definitions.

§ 431-5. Administration; violations and penalties.

§ 431-3. Registration required; term; fee.

[HISTORY: Adopted by the Town of Greenfield 12-17-2014 by Order No. FY 15-075 (Ch. 431 of the 2002 Bylaws). Amendments noted where applicable.]

GENERAL REFERENCES

Demolition delay — See Ch. 241.

§ 431-1. Authority and purpose.

Pursuant to the general powers granted to cities and towns by Article 89 of the Amendments to the Massachusetts Constitution, and the specific powers granted by MGL c. 139, §§ 1 through 3A, this chapter is adopted to help protect the health, safety, and welfare of the citizens of Greenfield by preventing blight, protecting property values and neighborhood integrity, protecting the Town's resources, avoiding the creation and maintenance of nuisances and ensuring the safety and sanitary maintenance of all buildings and structures. Inadequately maintained residential or commercial/business buildings are at an increased risk for fire, unlawful entry, or other public health and safety hazards. This chapter will help secure the welfare of the Town's residents and neighborhoods by requiring all property owners, including lenders, trustees and service companies and the like, to register and properly maintain their respective properties.

§ 431-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BUILDING — An enclosed structure, either a principal building or shed, garage, stable, greenhouse, or other accessory building.

DILAPIDATED — A condition of decay or partial ruin by reason of neglect, misuse, or deterioration. The term includes, but is not limited to:

- A. Property having deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken or inadequately secured windows or doors.
- B. Personal property that is broken, rusted, worn, partially or wholly dismantled or otherwise due to deterioration is unsuitable for the purpose for which designed.

FORECLOSING — 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.

HAZARD — A condition likely to expose persons to injury or negative health impacts, or property to damage, loss or destruction, including but not limited to burned structures not otherwise lawfully habitable or usable, dilapidated real or personal property, and/or dangerous or unsafe structures or personal property.

INITIATION OF THE FORECLOSURE PROCESS — Taking any of the following actions:

- A. Taking possession of a property pursuant to MGL c. 244, § 1;
- B. Delivering the mortgagee's notice of intention to foreclose to the borrower pursuant to MGL c. 244, § 17B; or
- C. Commencing a foreclosure action on a property in either the Land Court or Superior Court.

MORTGAGEE — The creditor, including, but not limited to, service companies, lenders in a mortgage agreement and any agent, servant, or employee of the mortgagee, or any successor in interest and/or assignee of the mortgagee's rights, interests or obligations under the mortgage agreement.

OWNER — Every person who alone or jointly or severally with others:

- A. Has legal title to any building, structure or property pursuant to this chapter; or
- B. Has care, charge, or control of any such building, structure or property in any capacity, including but not limited to as agent, executor, executrix, administrator, administratrix, trustee, guardian or conservator of the estate of the holder of legal title; or as life tenant; or
- C. Is a lessee under a written lease agreement; or
- D. Has a mortgage in possession; or
- E. Is an agent, trustee or other person appointed by the courts.

VACANT PROPERTY — Any property not currently legally occupied and not properly maintained or secured.

§ 431-3. Registration required; term; fee.

- A. All owners must register vacant and/or foreclosing properties with the Inspector of Buildings on forms provided by the Building Inspector. All registrations must state the individual owner's or agent's telephone number and mailing address located within the commonwealth as required by MGL c. 59, § 57D, MGL c. 156D, § 5.02, and 950 CMR 113.20. The mailing address shall not be a P.O. box. This registration must also certify that the property was inspected and identify whether the property is vacant at the time of filing. If the property is vacant, the owner and/or registrant must designate and retain a local individual or local property management company responsible for the security and maintenance of the property. This designation must state the individual's or company's name, telephone number, and local mailing address. The mailing address shall not be a P.O. box. If the property is in the process of foreclosure, then the registration must be

received within seven days of the initiation of the foreclosure process. If the Building Inspector determines that the property is vacant and that foreclosure proceedings have not been initiated, the registration must be received within 14 days of the Building Inspector's first citation for improper maintenance.

- B. All property registrations are valid for one calendar year. A one-time registration fee of \$25 must accompany the registration form. Subsequent annual registrations are due within 30 days of the expiration of the previous registration and must certify whether the foreclosing and/or foreclosed property remains vacant or not.
- C. Once the property is no longer vacant or is sold, the owner must provide proof of sale or written notice and proof of occupancy to the Building Inspector.

§ 431-4. Maintenance requirements.

- A. Owners of vacant and foreclosing properties must fulfill the following minimum adequate maintenance requirements for any such property they own:
 - (1) Properties subject to this chapter must be maintained in accordance with the relevant sanitary codes, building codes, and local regulations concerning external and/or visible maintenance. The owner, local individual or local property management company must inspect and maintain the property on a monthly basis for the duration of the vacancy;
 - (2) The property must contain a posting with the name and twenty-four-hour contact telephone number of the local individual or property management company responsible for the maintenance. This sign must be posted on the front door of the property.
 - (3) Secure vacant and foreclosing properties subject to this chapter to prevent unauthorized entry and exposure to the elements.
 - (4) Maintain vacant and foreclosing properties subject to this chapter in a manner that ensures their external/visible maintenance, including, but not limited to, the maintenance of major systems, the removal of trash and debris, and the upkeep of lawns, shrubbery, and other landscape features.
 - (5) Repair or replace broken windows or doors within 30 days.
- B. Compliance with this section shall not relieve the owner of any applicable obligations set forth in any other codes, regulations, covenant conditions or restrictions, and/or homeowners' or condominium association rules and regulations.

§ 431-5. Administration; violations and penalties.

- A. Enforcement. This chapter shall be enforced by the Building Inspector. The Building Inspector shall have the authority and the duty to inspect properties subject to this chapter for compliance and to issue citations for any violations.
- B. Penalties.

- (1) Failure to initially register with the Inspector of Buildings is punishable by a fine of \$300.
 - (2) If applicable, failure to properly identify the name of the local individual or local property management company is punishable by a fine of \$300.
 - (3) Failure to maintain the property is punishable by a fine of \$300 for each week the property is not maintained.
- C. Appeal. Any person aggrieved by the requirements of this section may seek an administrative appeal to the Building Inspector. Any person aggrieved by a final decision issued under this section by the Building Inspector may seek relief in any court of competent jurisdiction as provided by the laws of the Commonwealth of Massachusetts.
- D. Applicability. If any provision of this chapter imposes greater restrictions or obligations than those imposed by any other general law, special law, regulation, rule, ordinance, bylaw, order, or policy, then the provisions of this chapter shall control.
- E. Regulatory authority. The Building Inspector has the authority necessary to implement and enforce this section.