

# Neighborhood Renewal Division



Town of Heath

AGO

December 11, 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**

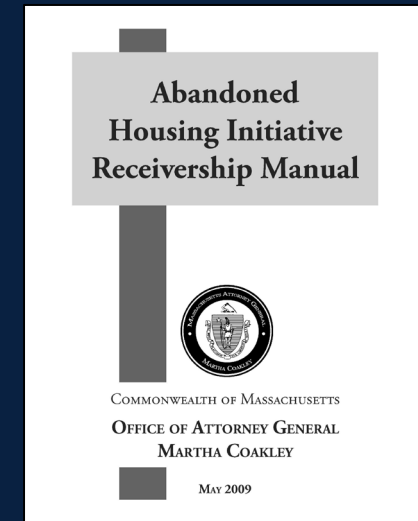
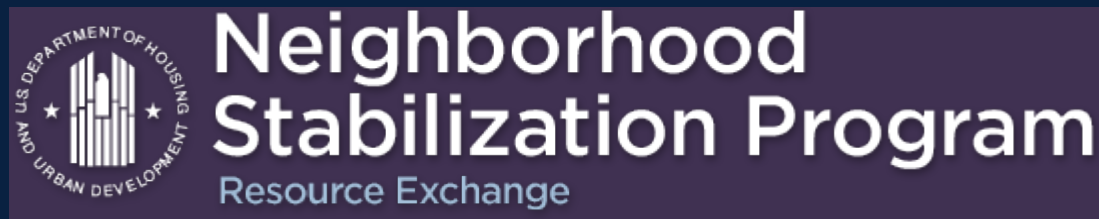




# Beginnings of NRD

1995 – 2008: Abandoned Housing Task Force

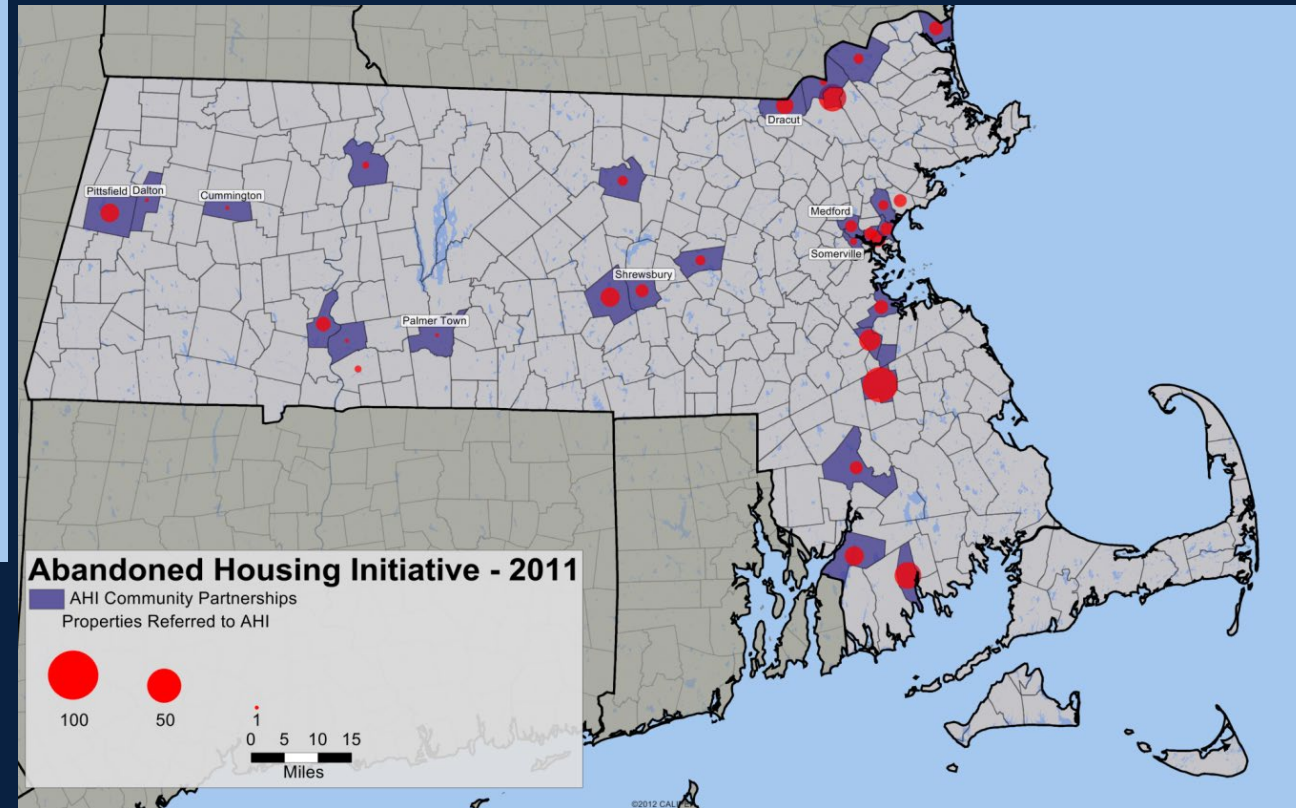
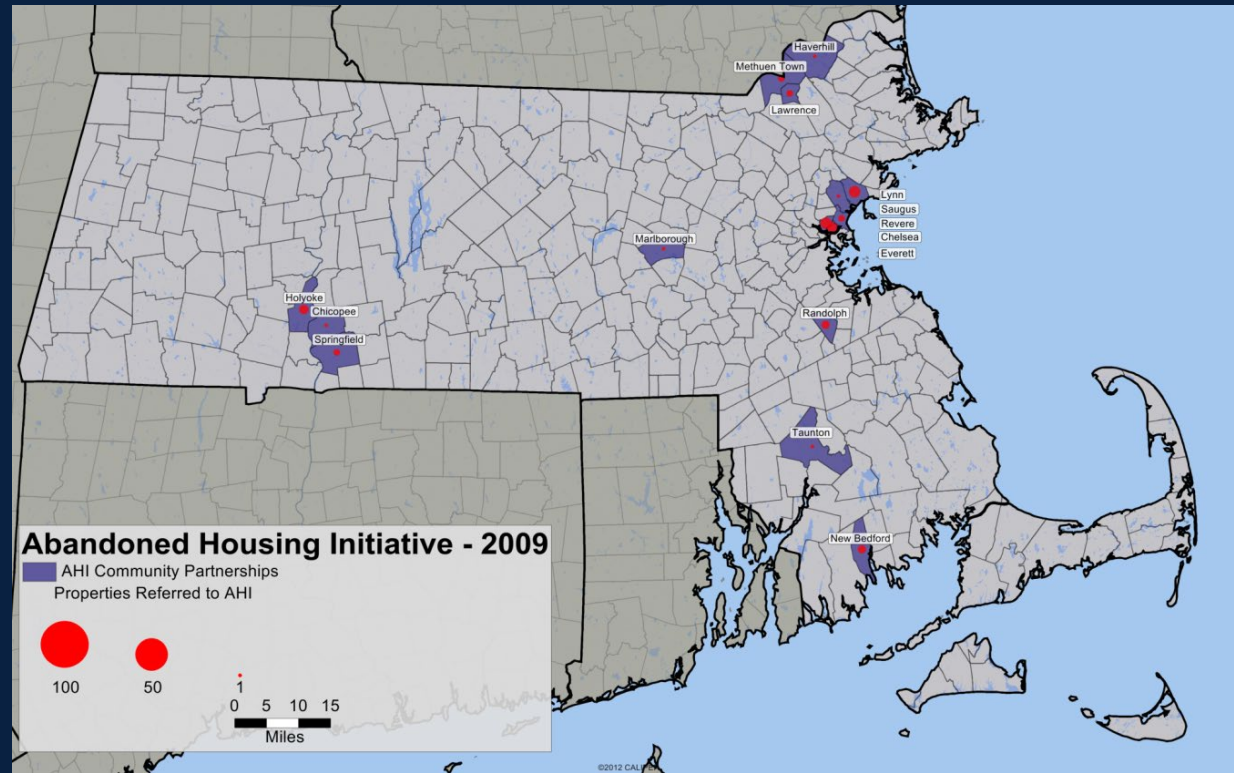
2009 – 2011: Abandoned Housing Initiative funded through NSP Funds





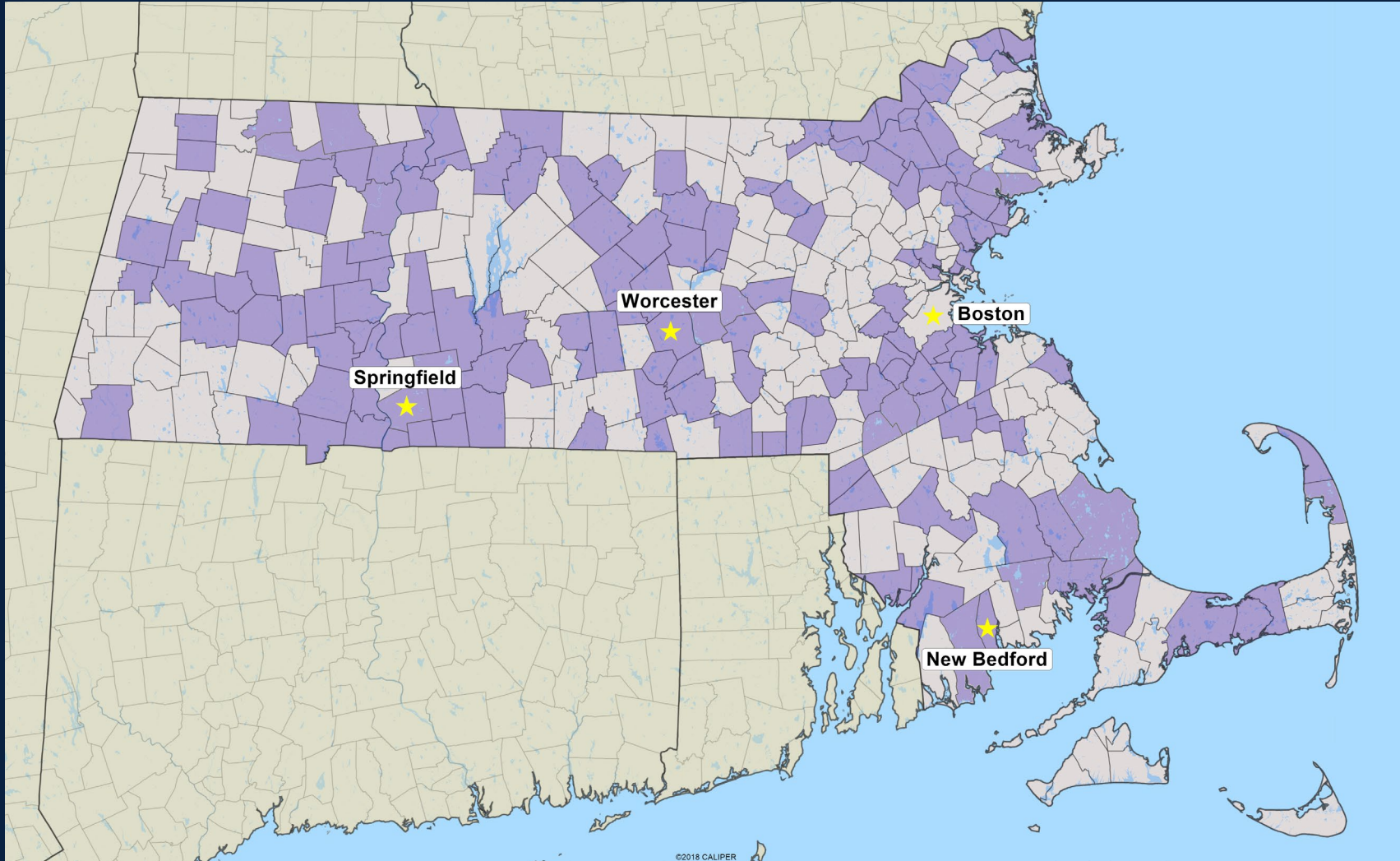


# 2009 to 2011-Expanding Our Program





# Community Partnerships - 2024



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# NRD Snapshot

169

Number of municipal partners

205+

Active properties

54+

Cases in active litigation

\$583,000+

Municipal back taxes & fees recovered  
(FY2024)





# 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.



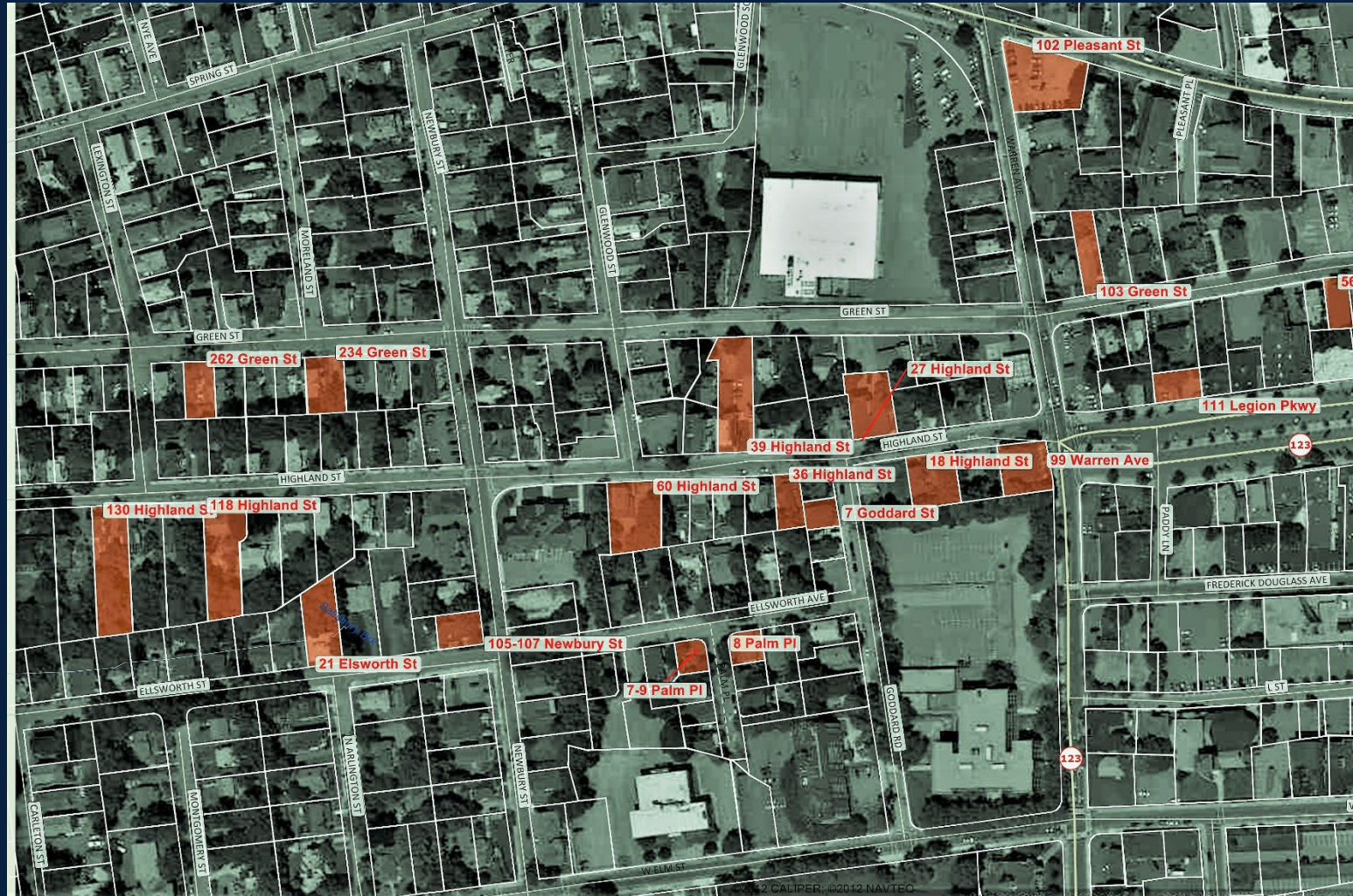
# When To Use Receivership?

- 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





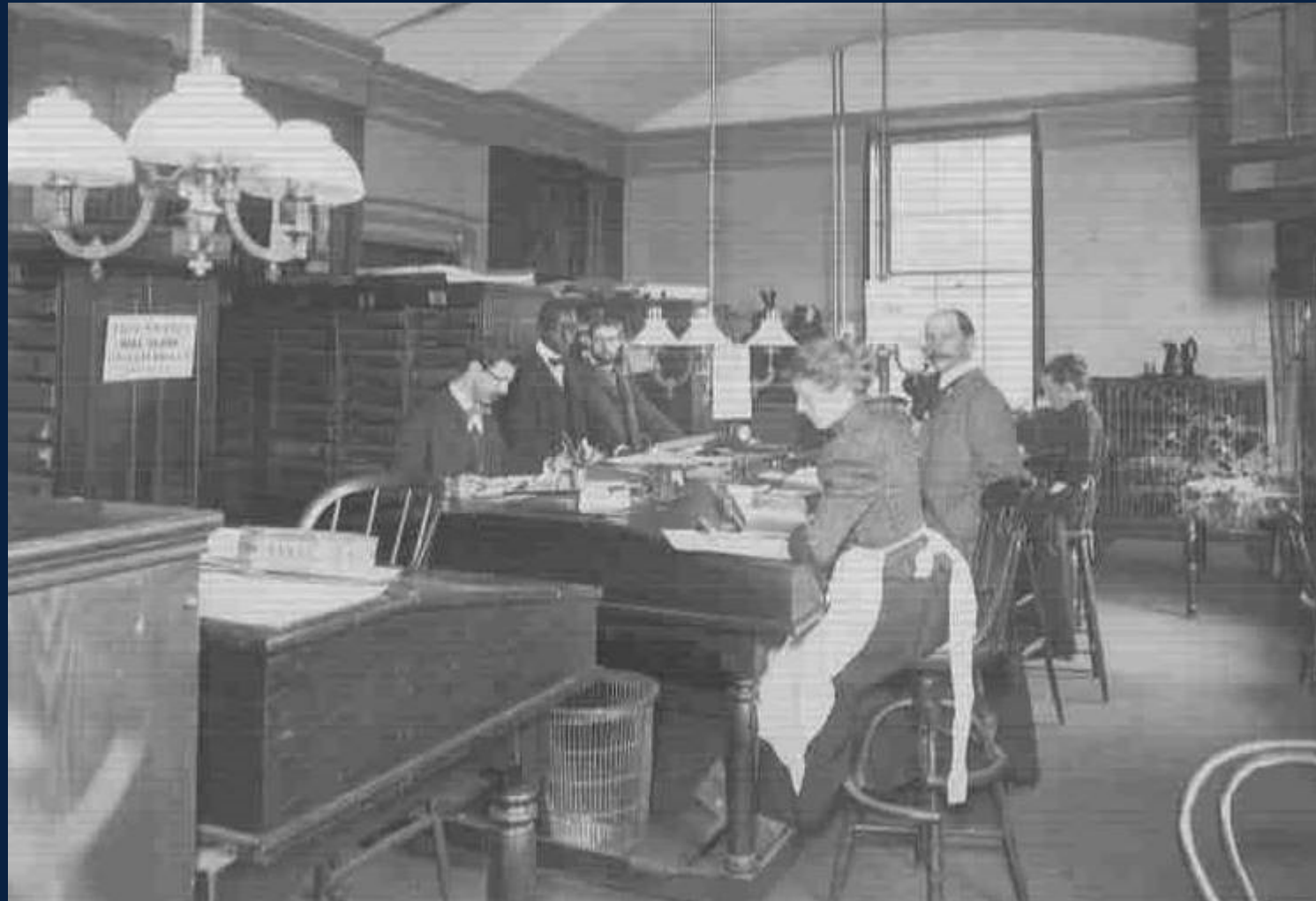
# Violation or Order Letters

- 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



## THE COMMONWEALTH OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL

We appreciate your past responses to our initial letter dated September 27, 2022; however, it appears that the condition of the property has continued to deteriorate and remains in violation of the State Sanitary Code. Significant overgrowth remains throughout the property, in violation of 105 CMR 410.570. These conditions create an environment that attracts and harbors vermin, insects, and other wildlife, and have a direct impact on surrounding properties. Many of the property's structural elements are also exhibiting further signs of disrepair such the gutters and roof, in violation of 105 CMR 410.500. Furthermore, the ~~111111~~ Building Division has deemed the three season room at the back of the property to be an "Unsafe Structure", per Massachusetts State Building Code, Chapter 1, Section 116, due to the holes in the roof and overall condition of collapsing.

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

## *Prior to filing in court*

- 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





# 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



# Settlement Agreement-*After* filing in court

- Sometimes a previously **Uncooperative owner** will become **Cooperative** after a petition is filed.
  - In that case, we may enter into a 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



# Receiver Appointed







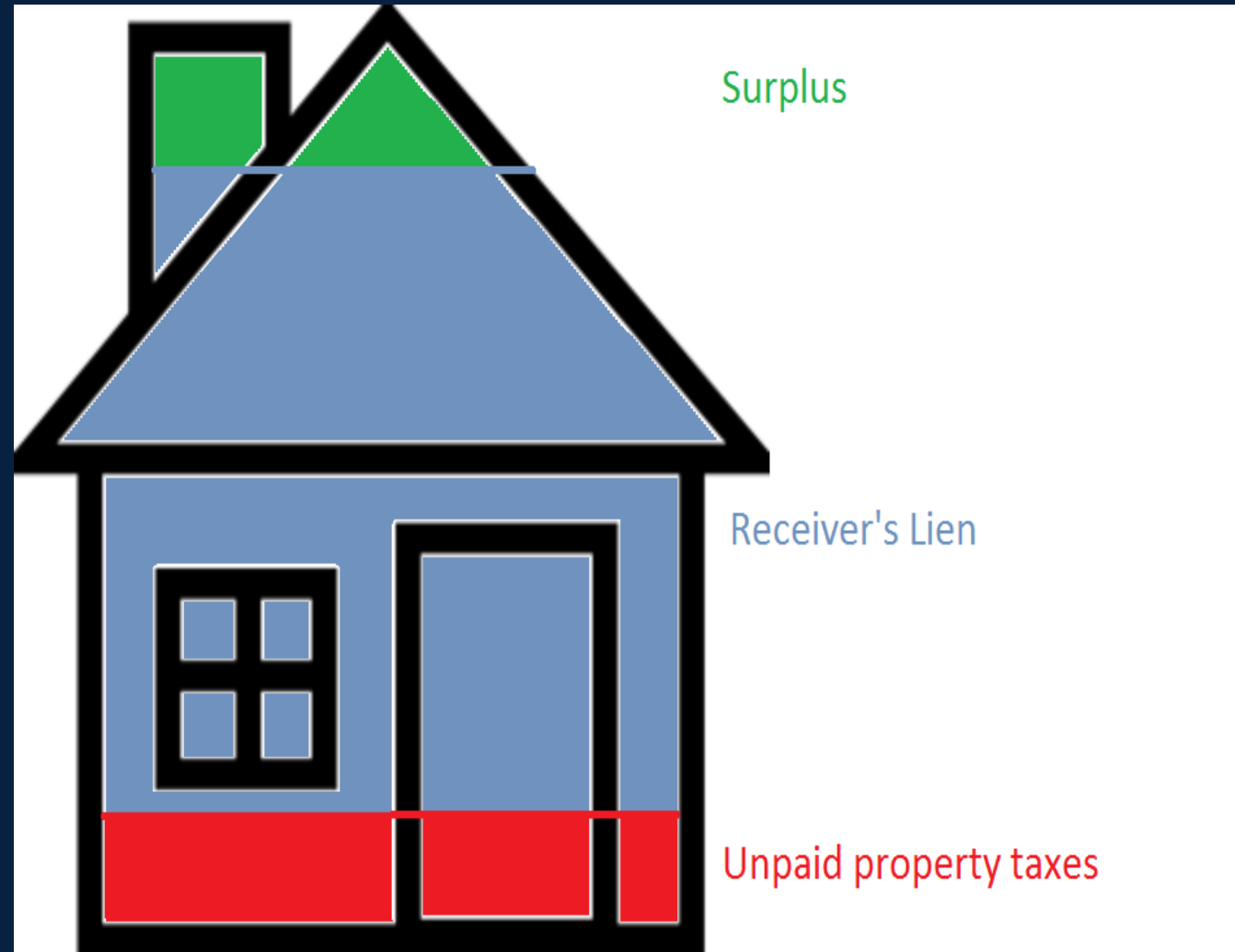
# Post-Appointment, What Happens Next?

- 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



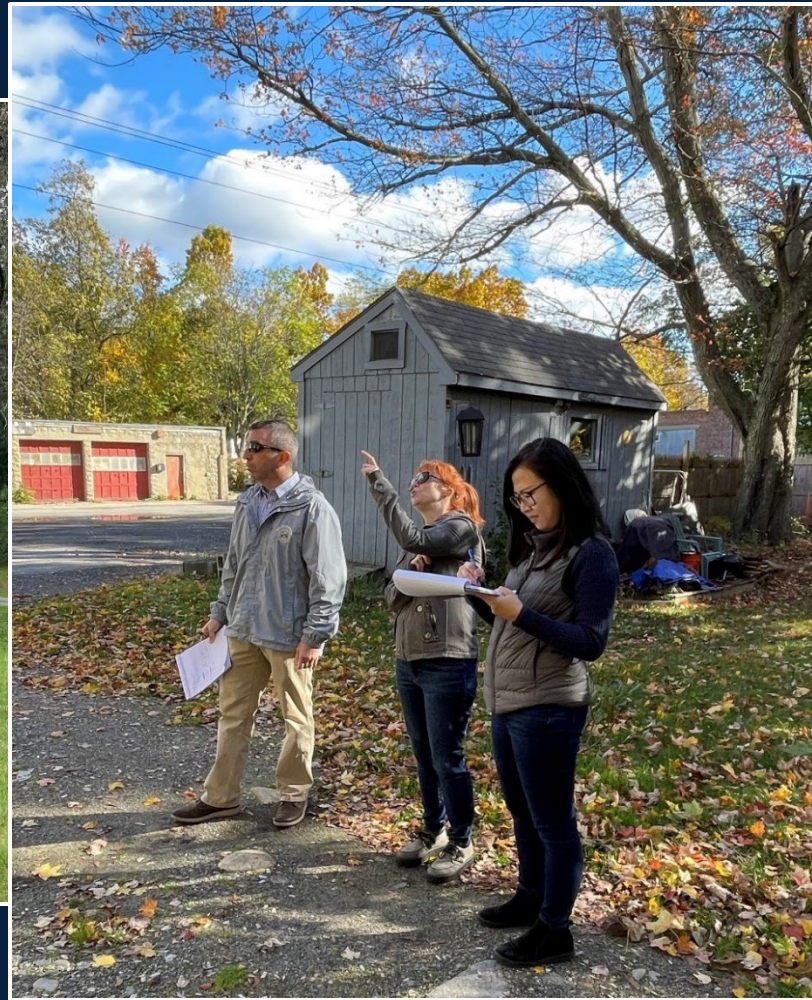
# How Does the Receiver Get Paid?

- 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





# 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**







# 100 Fairview Street, Greenfield

## **BEFORE**







# 100 Fairview Street, Greenfield

## **AFTER**







# 42 Cleveland Street, Greenfield

## **BEFORE**





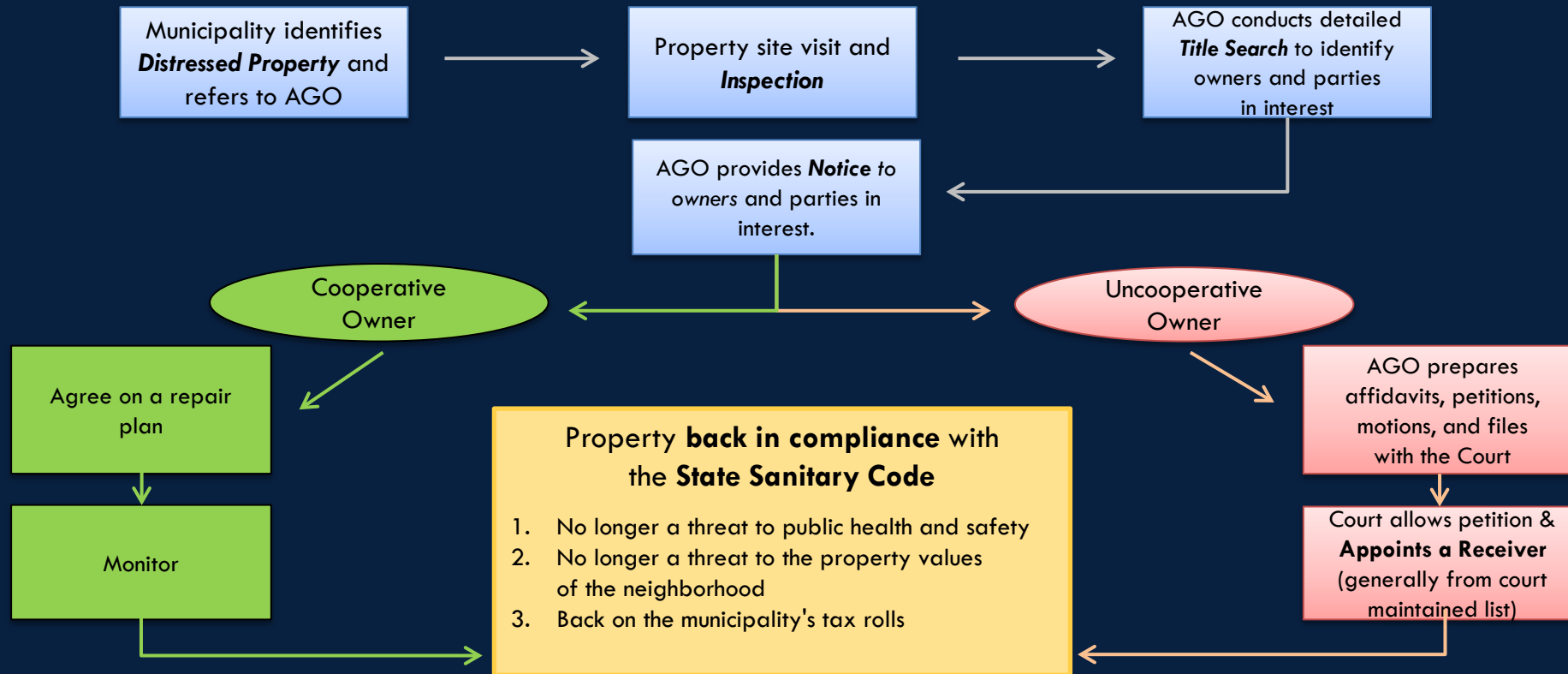
# 42 Cleveland Street, Greenfield

## AFTER





# NRD Receivership Process







# Grants

- While there is not currently funding available from the AGO Receivership Fund, we are in the process of relaunching the fund. We hope funds will be available to receivers in the early Spring. In addition, as part of the relaunch, we anticipate that receivers will have the opportunity to borrow up to \$250,000, a portion of which may be forgiven if the cost of the receivership exceeds the sale price of the property
- Grant Opportunities for municipalities, non-profits, and potential receivers are at times available on the Massachusetts Attorney General's website:

<https://www.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>