

Neighborhood Renewal Division



MEHA Annual Seminar
May 19, 2022



Attorney General Maura Healey

Attorney General
Maura Healey 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.

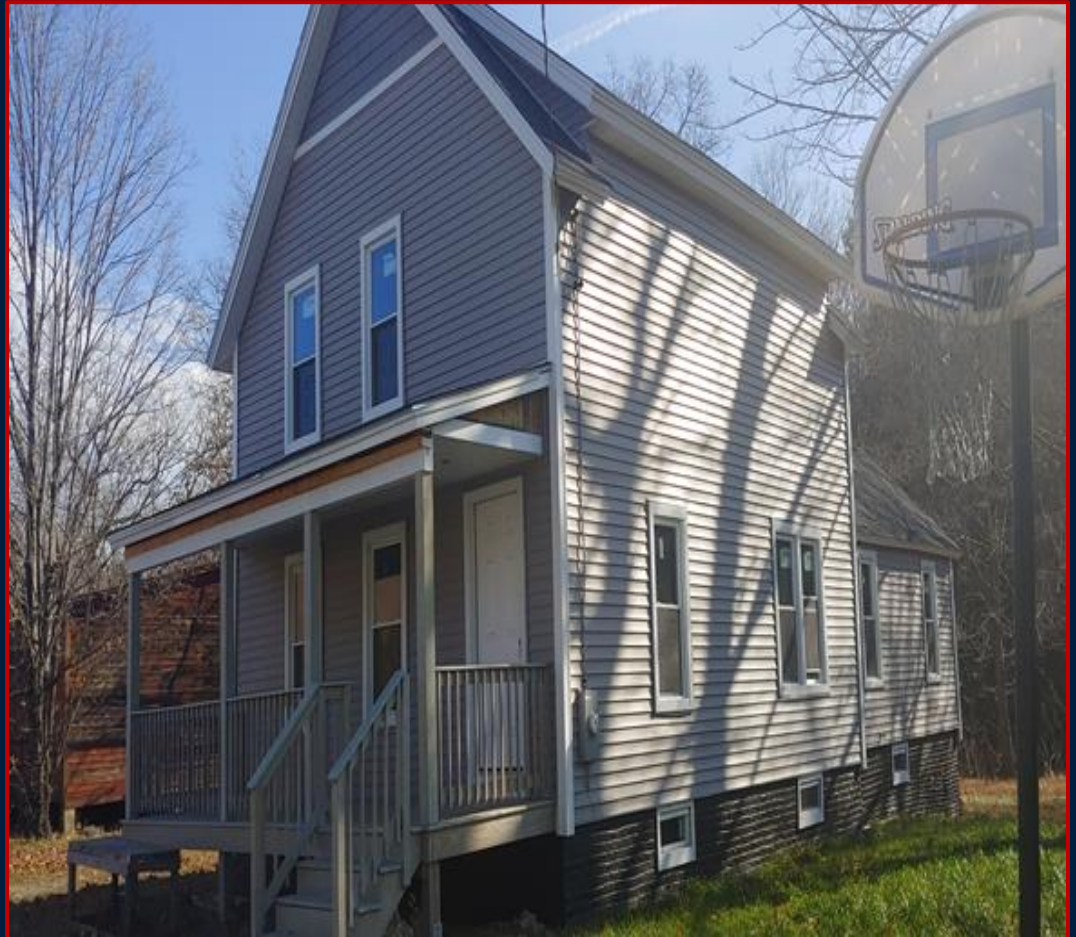


NRD Mission

**Property in Violation
of Sanitary Code**

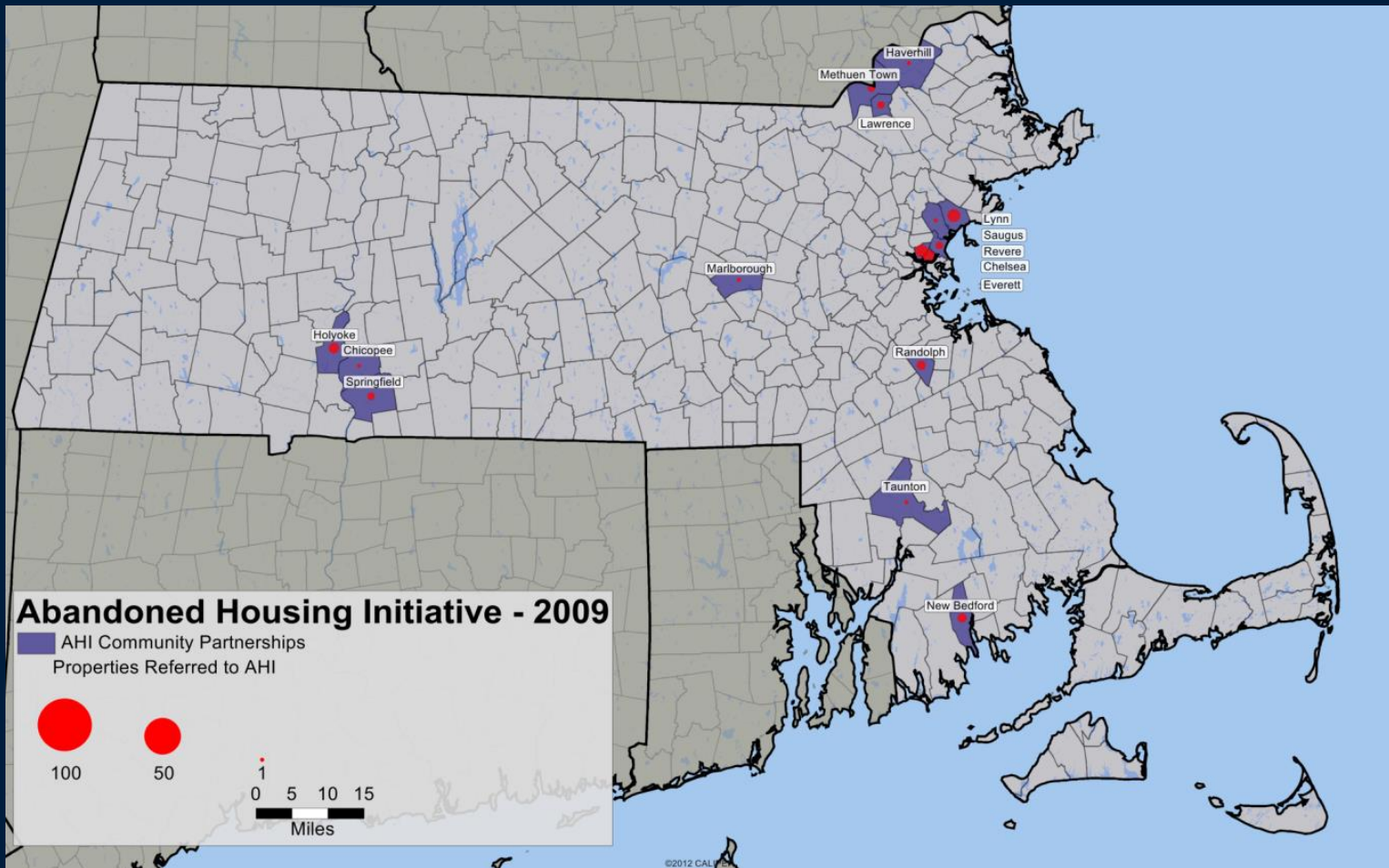


Safe Habitable Home



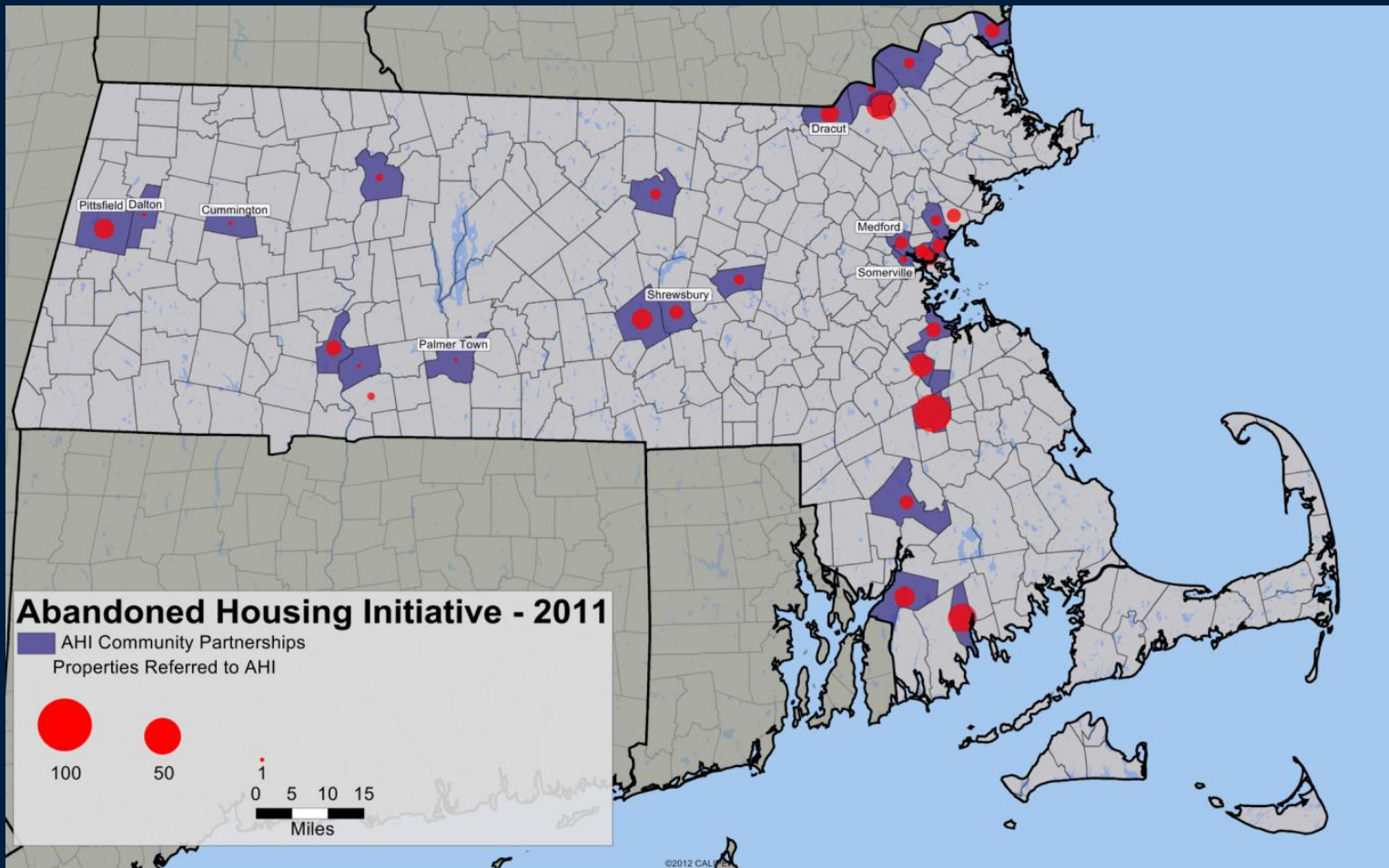


Beginnings of NRD



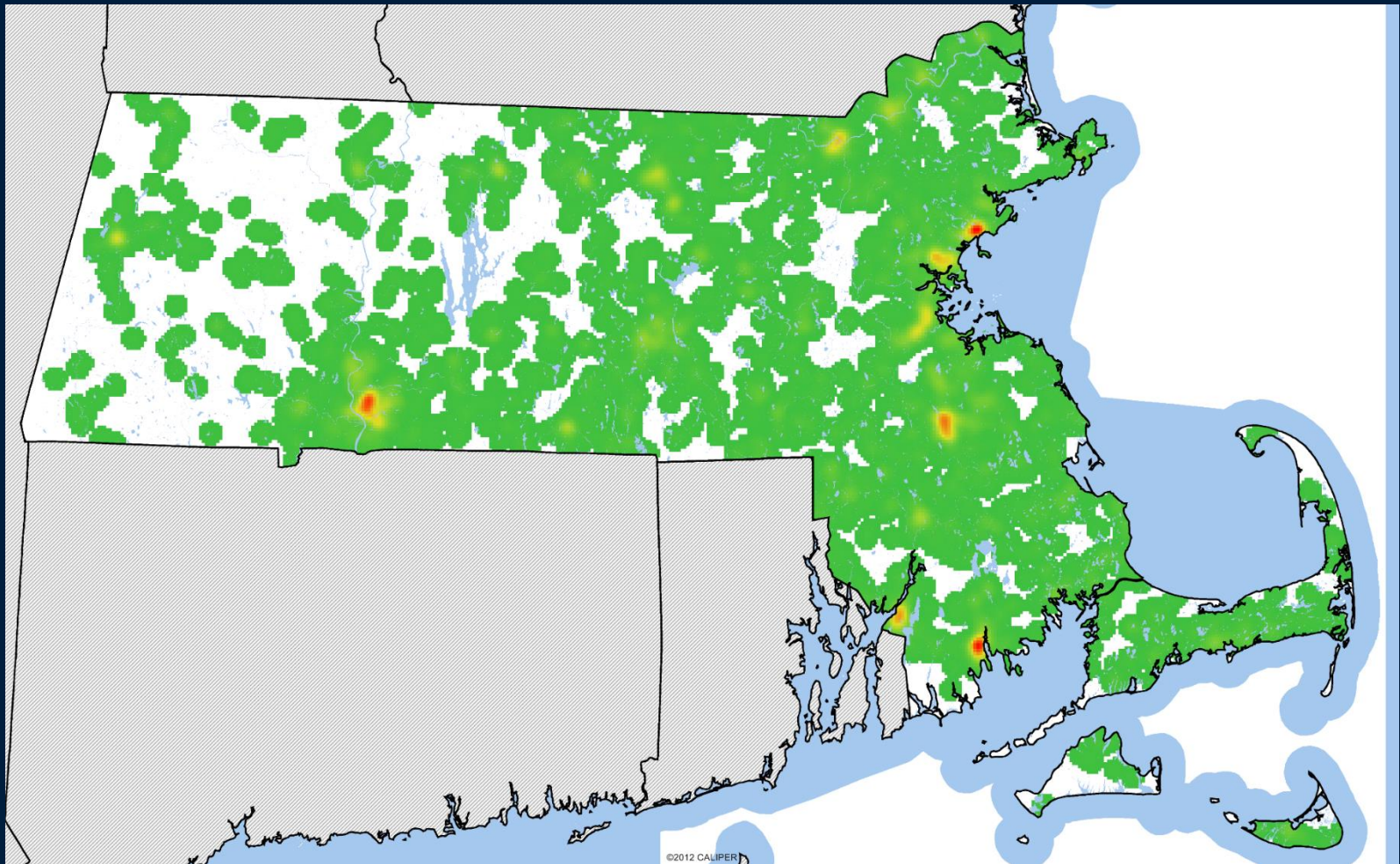


Expansion of Program



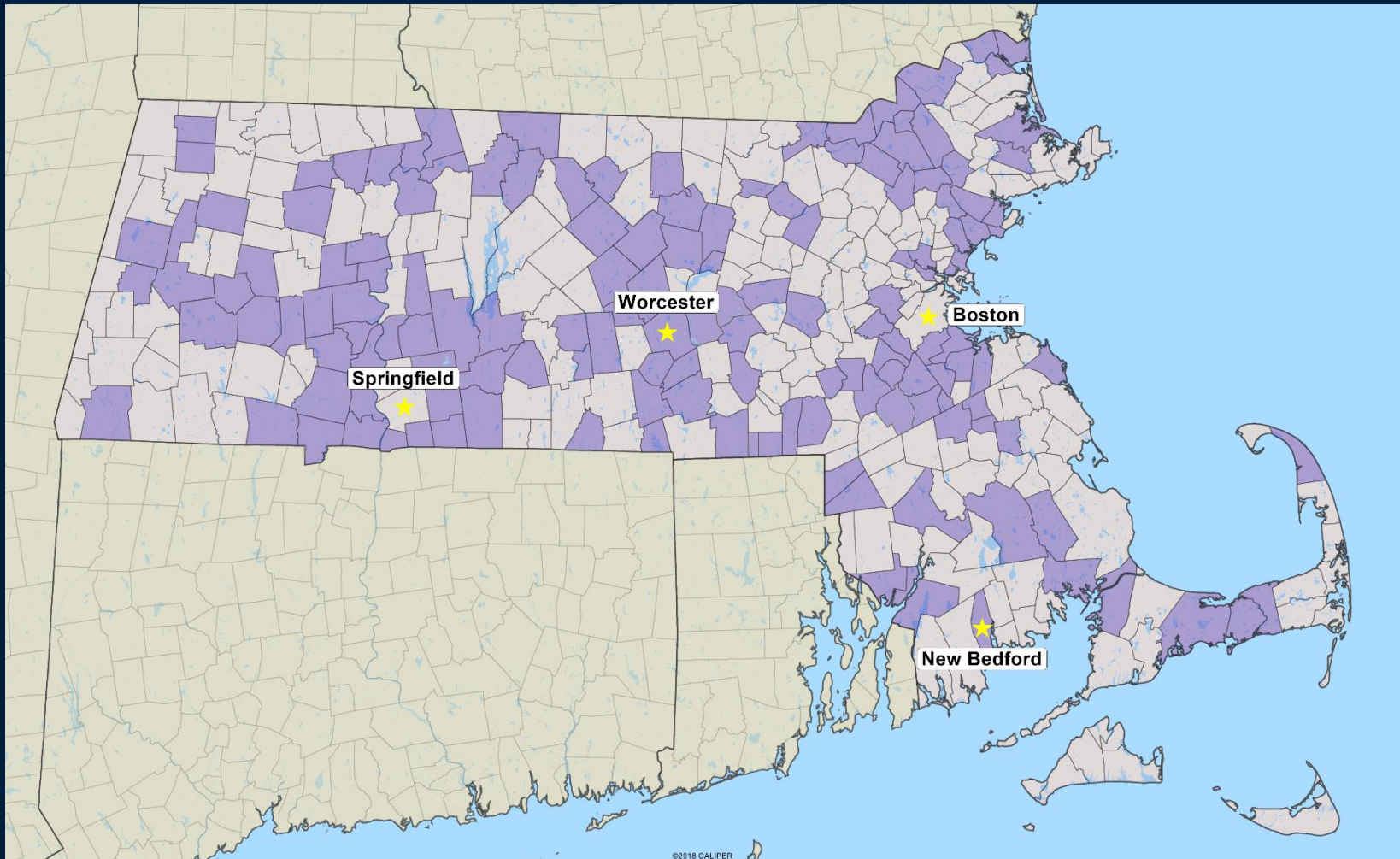


Real Estate Owned Foreclosures





Community Partnerships - 2022





NRD Staff

- **Boston (Main office)**
 - Amber Villa, NRD Chief
 - Tara Ruttle, AAG, Eastern, Metro-South, Some N.E., Central
 - Flora Chang, AAG, Northeast and North Central
 - Amane AbdelJaber, Program Manager
 - Francis Lubega, Paralegal
- **New Bedford (SEMASS)**
 - Stephen Marshalek, SEMASS Chief
 - Meaghan Olejarz, AAG, Southeast and Cape Cod
 - Lizabeth Marshall, AAG, Southeast and Cape Cod
 - Patricia Tapper, Managing Administrative Assistant
- **Springfield (WMASS)**
 - Maja Kazmierczak, AAG, Western (Monson through Berkshires)
 - Melissa Herriford, Paralegal
- **Worcester (CMASS)**
 - Janice Fahey, AAG, Central



NRD Snapshot

153

Number of municipal partners

300+

Active properties

70+

Cases in active litigation

\$575,000+

Municipal back taxes & fees recovered
(FY2020)



Statutory and Legal Authority

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

Violations will
not be
promptly
remedied



Appointment
of receiver is
in the best
interest of
abutters and
the public



Court may
appoint a
receiver to
make repairs
to the
property.



*City of Boston v. Rochalska

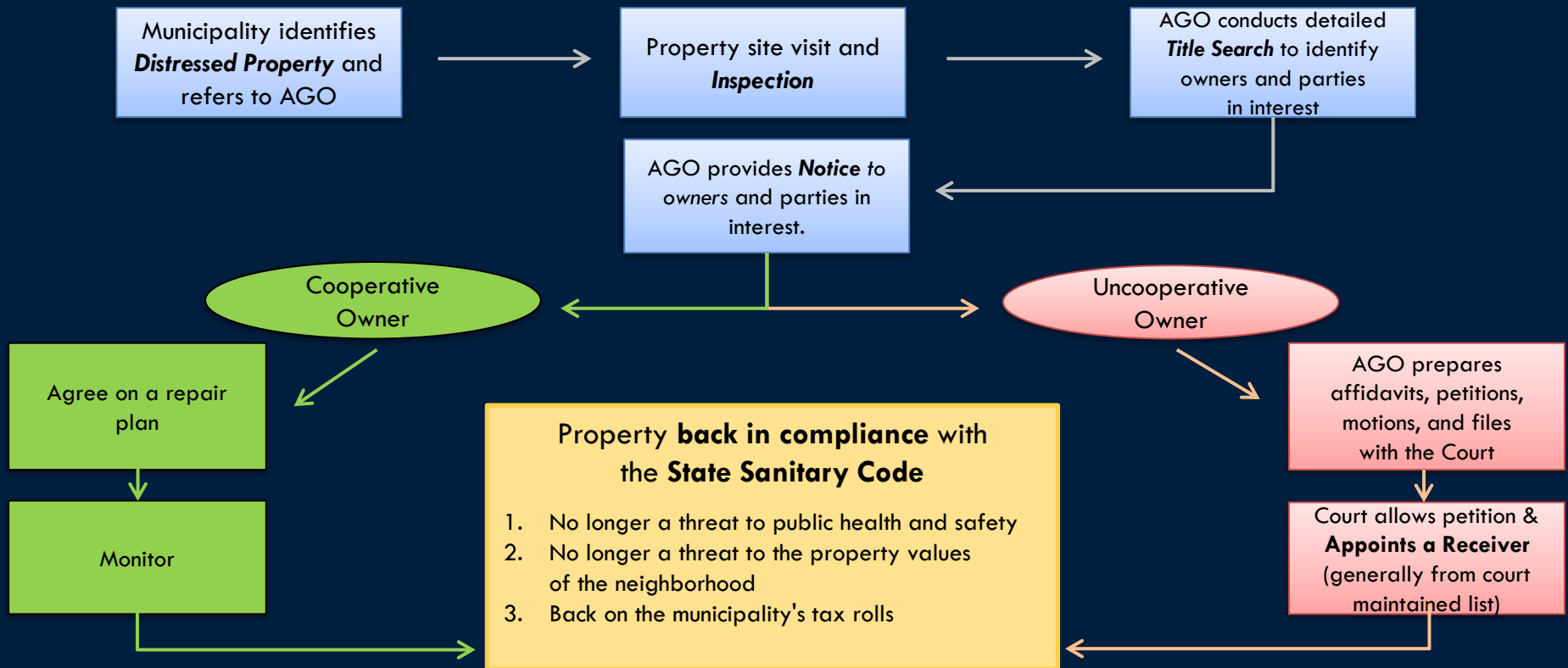


When To Use Receivership?

- When other enforcement tools have failed
- 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
- Property with a suitable amount of unpaid or outstanding tax bills or liens
- When there is a willing receiver, who has funding, is bonded and insured, and has been vetted by the court



NRD Receivership Process





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, trash, debris, and structural damage
- Not uncommon for only exterior violations to be cited at the outset



Title Search to Identify Owners and Parties in Interest





Title Search (Online)

[Search Home](#) [Search Criteria](#) ▾ [Search Options](#) ▾ [Search Help&Support](#) ▾ [FAQ](#) [Basket](#)

[Select Another Regis](#)

masslandrecords.com
Worcester District Recorded/Registered Land

Street #:

* Street Name:

Town:

23

Wesleyan

SHREWSBURY ▾

Search

Reset

Advanced

Recorded Land Property Search (Dates Available: 01/01/1961-Current) Street #: 23 Street Name: Wesleyan Town: SHREWSBURY From: 1/1/1961 To: 9/28/2021 (Total: 0.14 seconds, 31 rows)

[Select All](#) | [Invert Selection](#) | [Deselect All](#) | [Print Search Result](#) | View: 20/Page 50/Page 100/Page

Street Name	Rec. Date▼	Book/Page	Type Desc.	Street #	Town
<input type="checkbox"/> WESLEYAN ST	9/8/2020	63195/131	ASSIGNMENT		SHREWSBURY
<input type="checkbox"/> WESLEYAN ST	11/25/2016	56362/189	AGREEMENT		SHREWSBURY
<input type="checkbox"/> WESLEYAN ST	1/31/2014	51999/248	ASSIGNMENT		SHREWSBURY
<input type="checkbox"/> WESLEYAN TER	7/28/2011	47650/86	MLC		SHREWSBURY
<input type="checkbox"/> WESLEYAN TER	7/28/2011	47650/87	DEED		SHREWSBURY
<input type="checkbox"/> WESLEYAN TER	7/28/2011	47650/89	MORTGAGE		SHREWSBURY
<input type="checkbox"/> WESLEYAN TER	7/28/2011	47650/102	DECLARATION OF HOMESTEAD		SHREWSBURY
<input type="checkbox"/> WESLEYAN ST	9/30/2008	43359/397	DISCHARGE		SHREWSBURY
<input type="checkbox"/> WESLEYAN ST	8/29/2008	43260/267	MLC		SHREWSBURY
<input type="checkbox"/> WESLEYAN ST	8/29/2008	43260/268	AFFIDAVIT		SHREWSBURY
<input type="checkbox"/> WESLEYAN ST	8/29/2008	43260/269	DEED		SHREWSBURY

1 2 Next

• For Instructions/Help:

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NRD Demand Letter



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THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
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May 24, 2018

Via First Class and Certified Mail RRR

Re: [REDACTED]
Notice of Intent to Seek Appointment of a Receiver

Dear [REDACTED]:

This letter concerns the condition of the residential premises located at the above referenced property. Public records indicate that you may have a legal interest in the property. If this is incorrect, please let me know immediately. There are a number of long-standing violations of the State Sanitary Code and other law at this property, which has been abandoned and vacant for a significant period of time.

In its present condition, the property is unfit for human habitation and poses a severe, immediate and continuing threat to the health and safety of trespassers, neighbors and the public in general in violation of 105 CMR 410.750. The failure to secure, manage and maintain the property in the lawful manner allows the property to be used by trespassers for illegal activities, thereby creating a continuing nuisance.

The State Sanitary Code and other applicable codes and applicable Massachusetts law allows this office and the Town of [REDACTED] 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



NRD Demand Letter Benefits

- May work with the owner to obtain compliance prior to filing an action if owner is cooperative
- Timeframes are established to remediate existing code violations and achieve compliance



Preparing a Receivership Action

- Inspections per State Sanitary Code, including cited violations by Board of Health
- Photos, title search, ID owners, tenants or other interested parties
- Issue Demand Letter
- Draft complaint with accompanying affidavits and inspection reports



Petition for Receivership

- Pleadings include a petition, memorandum, and supporting affidavits
 - Health Department affidavits are required, listing cited violations and actions of municipality
- Service Of Process made upon all parties



Post-filing Settlement Agreement

- Formal agreement to correct violations and avoid appointment of a receiver
- Filed with the court
- Timeframes are established to remediate code violations
- Case can be dismissed, or the court can monitor for compliance



Receiver Appointed





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 work is monitored by the court through scheduled monthly reports

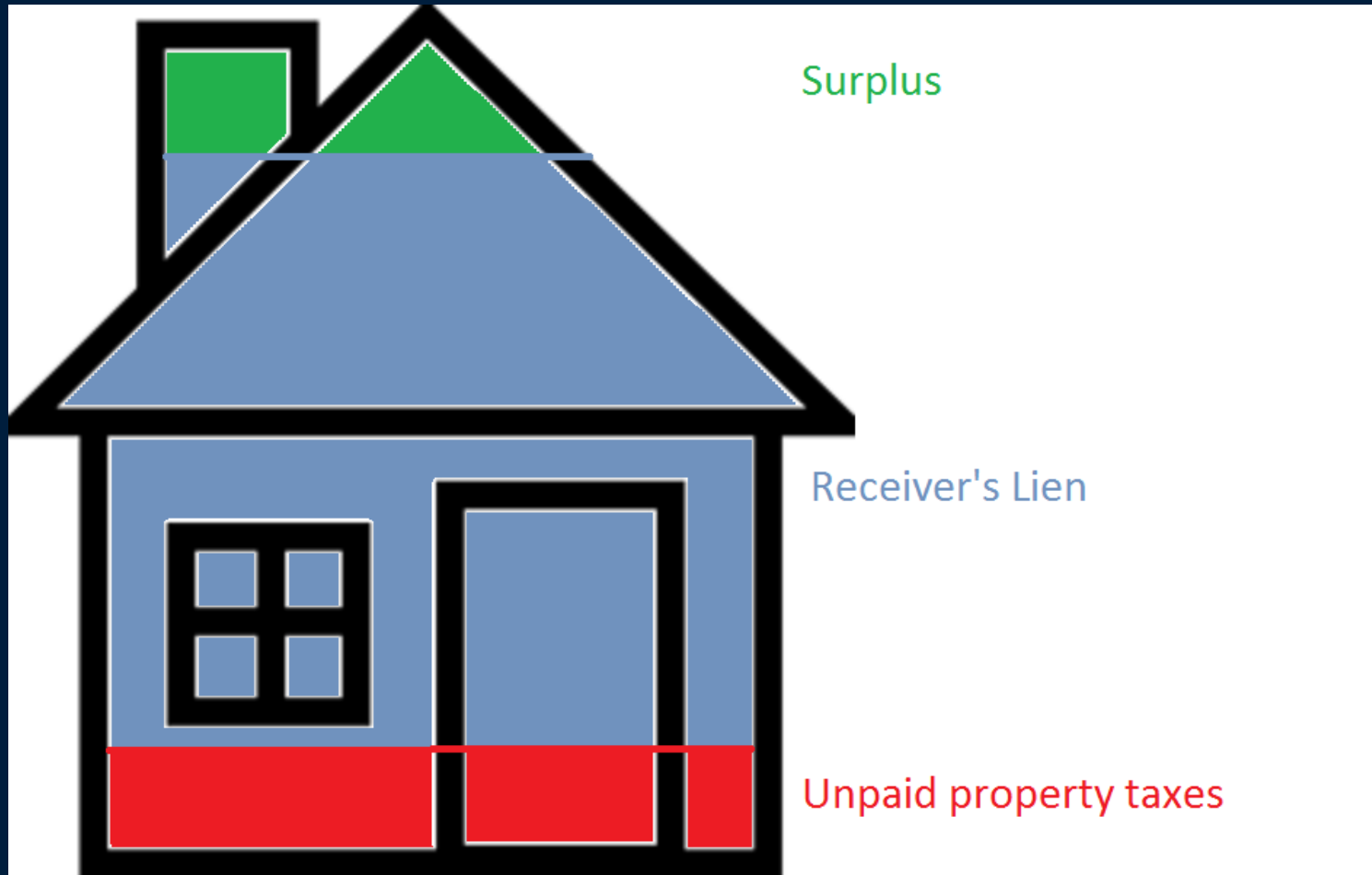


What Happens Next?

- Once a receiver has completed the work to the satisfaction of the municipality, the receiver requests authority from the court to foreclose and recover their lien
 - Either through reimbursement by the owner or interested party, or via a public auction



Paying off the Receivership





What Makes a Receiver Effective ?

- Track record of successful project management
- Adequate resources - financial, staffing, and capacity
- Good examples - contractors, attorneys, CDCs



Result





Success Stories





26 Woodlawn St. Dedham

BEFORE





26 Woodlawn St. Dedham

AFTER

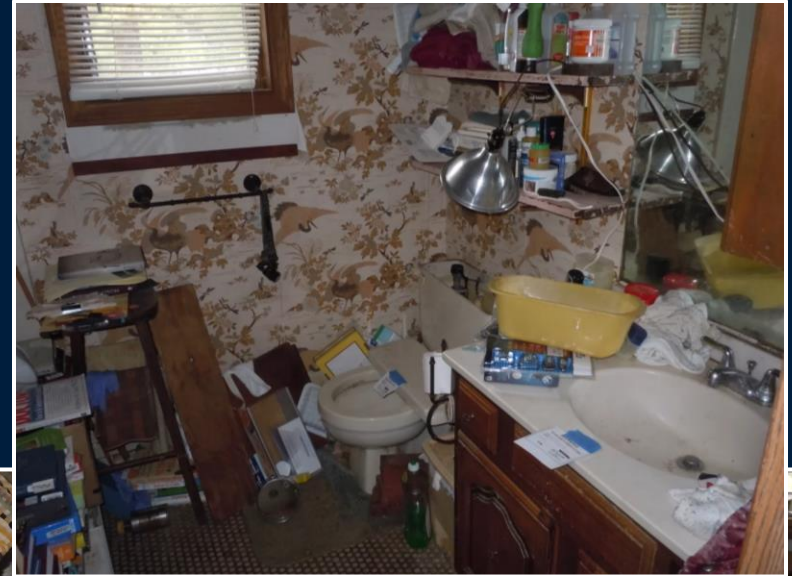


After Photos- Redfin.com



22 Montclair Drive. N. Attleboro

BEFORE





22 Montclair Drive. N. Attleboro

AFTER





25 Borden St, New Bedford

BEFORE





25 Borden St, New Bedford

AFTER





25 Borden St, New Bedford

AFTER





Grants

- AHI Receivership Fund
 - Up to \$75,000 loan
 - If the property is going to be affordable housing, a receiver can borrow up to \$100K with up to 30% forgiven.
 - If the property is not going to be affordable housing, up to 20% can be forgiven
 - Low or no interest loans with potential for subsidy
 - Administered by Chelsea Restoration Corp. and Fall River Community Development



NRD Contact Info

- Neighborhood Renewal Division:
NeighborhoodRenewal@mass.gov
- Tara Ruttle:
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- Francis Lubega:
Francis.Lubega@mass.gov