

**TOWN OF KENT  
TOWN BOARD MEETING  
Tuesday, November 12, 2019**

**Public Hearing** – 7:00 p.m.

Budget

**Workshop**

1. Pledge of Allegiance
2. Kent Police Department – Sergeant promotion ceremony
3. Vacant and Abandoned Home discussion
4. Social Media Policy
5. Announcements
6. Public Comment

**Meeting**

1. Roll Call
2. Vote on the following:
  - a. Adopt the 2019 Preliminary Budget
3. Vouchers and Claims
4. Public comment

# PROCHAMPS

## What PROCHAMPS Does



Holds responsible parties accountable to register property, with multiple points of contact and with real people.



Provides a web-based communications platform facilitating direct communication with property managers.



Team of dedicated professionals, assigned to your community assuring results on your behalf.



Zero costs to the community with shared registration fees (revenue positive).

### Responsible Parties

[Search for a Property](#)

[Register Property](#)

[Verify Registration](#)

[Report Property Concern](#)

### About PROCHAMPS

[What PROCHAMPS Does](#)

[How PROCHAMPS Does it](#)

[Download Program Toolkit](#)

[Video PROCHAMPS](#)

[Property Registration Blog](#)

### Sales

321.405.CODE

[info@prochamps.com](mailto:info@prochamps.com)

[GOVERNMENT LOGIN](#)

### Support

321.421.6639

[support@prochamps.com](mailto:support@prochamps.com)

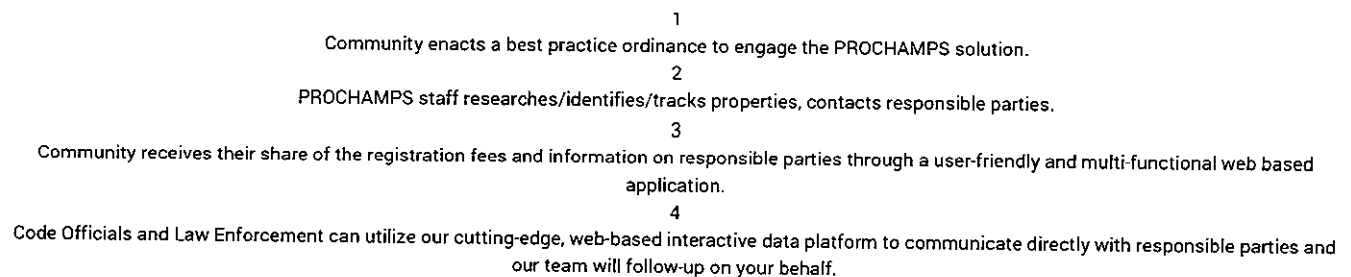
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- Home
- What
- How
- Toolkit
- Video
- Blog

# PROCHAMPS

## How PROCHAMPS Works



### Responsible Parties

- Search for a Property
- Register Property
- Verify Registration
- Report Property Concern

### About PROCHAMPS

- What PROCHAMPS Does
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# PROCHAMPS Blog | Fight Blight through Proactive Property Registration



APRIL 23RD, 2019

## How Local Governments Benefit from Property Registration Partnerships

"Make sure that you always have the right tools for the job. It's no use trying to eat a steak with a teaspoon, and a straw."

When it comes to maximum utilization of available resources, author Anthony T. Hincks literally and figuratively hits the nail on the head. Precisely why more and more local governments are discovering the benefits of working with industry expert

partners when it comes to property registration compliance. **PROCHAMPS** illustrates just a few of those benefits.

### **A Continually Changing Landscape**

Prior to the climax of the national housing foreclosure crisis in 2008-2009, there were just a few dozen property registration ordinances on the books across the United States. As profiled in a **U.S. Department of Housing & Urban Development**

(<https://www.huduser.gov/portal/periodicals/cityscope/vol15num2/ch22.pdf>)

white paper published in 2013, the number of ordinances used to combat the problem has since skyrocketed. Once used primarily for vacant properties (VPROs), many local governments have also drafted and implemented property registration ordinances (PROs) to include a broad array of properties. Local ordinances now exceed more than 2,000 and include rentals, abandoned structures, “walk-away and zombie” mortgages, business properties and even the registration in some cases of vacant lots.

While local governments do well at crafting and adopting PROs, and executing zoning laws and code enforcement, they often lack the expertise, tools and resources to accurately track any number of property types as they change hands, move in and out of various phases of foreclosure and default, or fall in and out of registration compliance for any number of reasons.

Missed opportunities to increase registration compliance add up to a number of negative outcomes for local governments including:

- The erosion of local property tax bases.
- Creeping neighborhood blight.
- Rising crime rates.
- Depressed local real estate markets. Those collective downsides are profiled in a **2017 Community Blight Solutions**

(<https://www.cityofmiddletown.org/DocumentCenter/View/883/Community-Blight-Solutions-Understanding-the-True-Costs-of-Abandoned-Properties-How-maintenance-Can-Make-a-Difference-6-14-18?bidId=>)

Virtually no geographical area of the country was immune and while the crisis has eased somewhat, a **CNN Money**

([https://money.cnn.com/2013/01/17/real\\_estate/foreclosure-neighborhoods/index.html](https://money.cnn.com/2013/01/17/real_estate/foreclosure-neighborhoods/index.html)) report indicates some locales are still searching for recovery answers.

Using cloud-based technology and a high-tech toolbox, **PROCHAMPS** has emerged in the post-crisis climate as an industry leader in partnering with local governments to more accurately track, record and store property ownership identification, changes and phases, which enables towns, municipal governments and county governments to bring all types of properties mandated by various ordinances into registration compliance. The end result is no-net costs to local governments via annual or semi-annual generation of registration fees, a more exact science of levying fines or penalties for failure to register while mitigating the costs of registration compliance to local government budgets, staffing levels, and other resources.

### **A Four-Step Solution Approach**

Partnering with local governments of all sizes and locations, **PROCHAMPS** employs a tried and proven four-step process that is initiated by:

1. Local governments enacting a best practice ordinance to engage and partner with **PROCHAMPS** (<https://www.prochamps.com/Howpage.aspx>) on a property registration solution.
2. **PROCHAMPS** staff researches/identifies/tracks all types of subject properties and contacts legally responsible property owners (a strategic time and cost-saving process when many property owners are absentee owners).
3. Local governments receive their share of property registration fees and renewals where applicable by ordinance as well as contact information on responsible parties through a user-friendly and multi-functional web-based application.
4. Code Enforcement and Law Enforcement personnel of local governments can utilize information from the data base platform to communicate directly with legally responsible parties with **PROCHAMPS** registration follow-up.

While the height of the housing market crash has since passed, many communities continue to benefit as older ordinances are replaced by updated ones, and additional ordinances come into play as market conditions change and more types of properties are subject to registration requirements.

Just one recent example of those continued benefits is depicted in this recent **PR Newswire** (<https://www.prnewswire.com/news-releases/prochamps-poised-for-continued-growth-in-2019-300800041.html>) feature about the **PROCHAMPS** partnership with Hillsborough County (FL), that began in 2014.

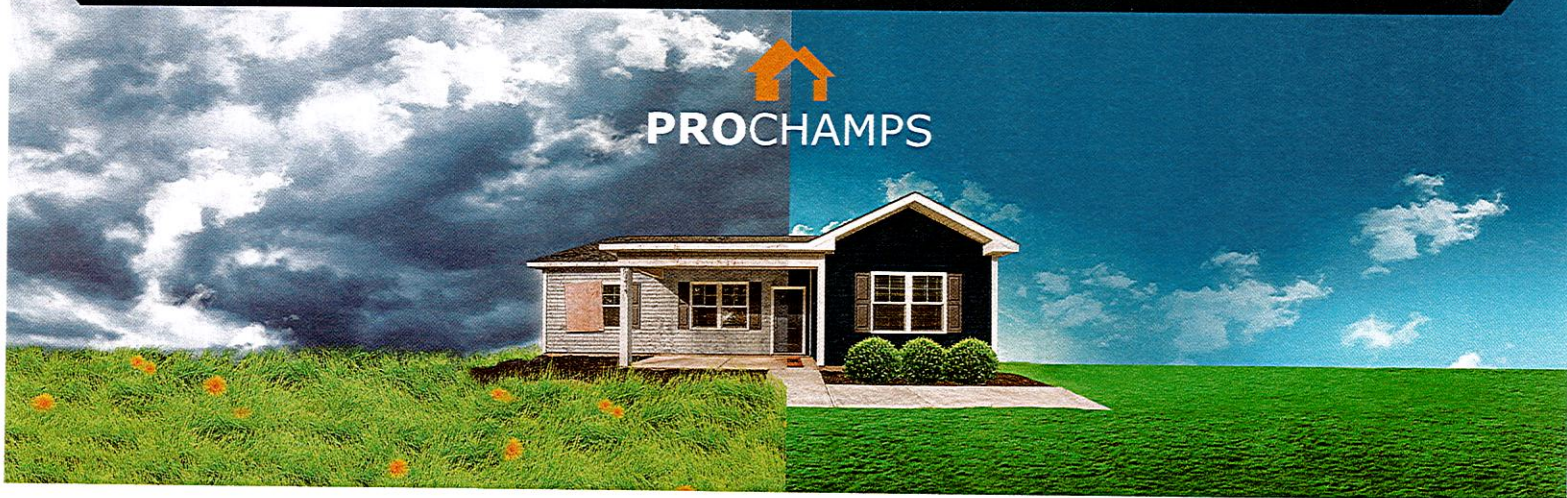
Just as it has done for Hillsborough County, **PROCHAMPS** continues to share its property registration partnerships with hundreds of local governments covering 11 different states. With its state-of-the-art use of technology, **PROCHAMPS** remains a step ahead of registration compliance while saving cities, towns, and counties valuable general budget dollars, critical time and staffing resources in a win-win scenario.

SHARE

## Fight **Blight** through Proactive Property Registration



# FORECLOSURE REGISTRY



*"Foreclosure registration ordinances require responsible parties to register the subject property and, typically, pay a fee."*

## **Benefits of Foreclosure Registration**

- Identify all the stakeholders of subject properties.
- Early Registration to identify properties at risk of becoming vacant.
- Identify the size and scope of properties in the foreclosure process or REO as part of the entire landscape of at-risk properties.
- Provide for quick communication to all stakeholders to resolve issues as they arise and implement unique disposition and alternative use strategies.
- Ability to identify and monitor from a security and public safety standpoint.
- Makes sure minimal standards of maintenance are met.
- Tool for lowering Crime Rate in identified areas for increased monitoring and policing policies.
- Stabilize property values and in turn stabilizing tax base.
- Registration and renewal fees help mitigate costs and provide a neutral or enhanced revenue program to local government.



## VACANT PROPERTY OWNER



### *Benefits of a vacant private owner property registration ordinance:*

- ▷ Vacant properties are identified in order to understand the scope of the issue.
- ▷ Facilitate timely communication with the owner and all interested parties.
- ▷ Ensure vacant property owners are aware of codes and regulations concerning their property.
- ▷ Help bring vacant properties up to code while maintaining minimum property maintenance standards.
- ▷ Covering costs incurred by the municipality to deal with vacant properties, and possibly motivating owners to restore and reuse vacant properties.

2725 Center Place, Melbourne, Florida 32940

[www.PROCHAMPS.com](http://www.PROCHAMPS.com)

Office (321) 421-6639 Fax (321) 396-7776





**proCHAMPS**

**1**

**MILLION**

**REGISTERED  
PROPERTIES**

**\$150  
MILLION**

**COLLECTED TO  
FIGHT BLIGHT AND  
IMPROVE COMMUNITIES**

**PROCHAMPS.COM**

**Sales: 321.405.CODE**

**info@prochamps.com**

## **PROCHAMPS the most experienced and respected provider of "AT RISK" property registry services**

### **CALIFORNIA**

Santa Ana City

### **DELAWARE**

Town of Elsmere

### **FLORIDA**

Bradford County  
Citrus County  
City of Apopka  
City of Boynton Beach  
City of Cape Canaveral  
City of Clearwater  
City of Cocoa  
City of Coral Gables  
City of Daytona Beach  
City of DeBary  
City of Deltona  
City of Fort Lauderdale  
City of Fort Myers  
City of Greenacres  
City of Hialeah  
City of High Springs  
City of Holly Hill  
City of Homestead  
City of Jacksonville  
City of Lake Worth Beach  
City of Mascotte  
City of Miami  
City of Miami Gardens  
City of New Port Richey  
City of Newberry  
City of North Bay Village  
City of North Miami  
City of North Miami Beach  
City of Oakland Park  
City of Ocoee  
City of Ormond Beach  
City of Pahokee  
City of Palatka  
City of Pinellas Park  
City of Riviera Beach  
City of Rockledge  
City of Sanford  
City of St. Augustine  
City of St. Pete Beach  
City of St. Petersburg  
City of Titusville  
City of West Palm Beach

Clay County

Doral City

Hernando County

Hillsborough County

Islamorada, Village of Islands

Lee County

Manatee County

Palm Beach County

Pasco County

Pinellas County

Seminole County

St. Johns County

Town of Cutler Bay

Town of Lake Clarke Shores

Town of Loxahatchee Groves

Town of Ocean Ridge

Village of Palm Springs

Village of Royal Palm Beach

Village of Virginia Gardens

Village of Wellington

### **GEORGIA**

City of Pine Lake

City of Stone Mountain

### **ILLINOIS**

Calumet Park Village  
Chicago Ridge Village  
City of Burbank  
City of Chicago Heights  
City of Crest Hill  
City of East Peoria  
City of Harvey  
City of Prospect Heights  
City of Rockford  
City of Waukegan  
City of West Peoria  
Countryside City  
Dolton Village  
Evergreen Park Village  
Hanover Park Village  
Hanover Park Village  
Heyworth Village  
Homewood Village  
Lynwood Village  
River Grove Village  
Robbins Village  
Round Lake Village  
Steger Village



Village of Bolingbrook  
Village of Flossmoor  
Village of Flossmoor  
Village of Harwood Heights  
Village of Homer Glen  
Village of Midlothian  
Village of Oak Lawn  
Village Of Orland Hills  
Village of Phoenix  
Village of Richton Park  
Village of Round Lake Beach  
Village of Sauk Village  
Village of Schiller Park  
Village of South Holland  
Village of Tinley Park  
West Chicago City

## KANSAS

Kansas City-Unified Government  
of Wyandotte County

## NEW JERSEY

Atlantic City  
Atlantic County  
Borough of Barrington  
Borough of Berlin  
Borough of Buena  
Borough of Clayton  
Borough of Glassboro  
Borough of Haddon Heights  
Borough of Haddonfield  
Borough of Laurel Springs  
Borough of Lawnside  
Borough of Magnolia  
Borough of Merchantville  
Borough of National Park  
Borough of Newfield  
Borough of Ocean Gate  
Borough of Paulsboro  
Borough of Pine Hill  
Borough of Pitman  
Borough of Runnemede  
Borough of Stratford  
Borough of Swedesboro  
Borough of Wenonah  
Borough of Westville  
Borough of Woodbury Heights  
Borough of Woodlynne  
Brick Township  
Camden County  
Chesilhurst Borough  
City of Absecon  
City of Brigantine  
City of Camden

City of Elizabeth  
City of Englewood  
City of Estell Manor  
City of Linwood  
City of Northfield  
City of Plainfield  
City of Port Republic  
City of Somers Point  
City of Woodbury  
Corbin City  
Eastampton Township  
Egg Harbor City  
Gloucester County  
Guttenberg Town  
Hudson County  
Passaic County  
Passaic County  
Town of Dover  
Town of Hammonton  
Town of Harrison  
Town of Secaucus  
Township of Buena Vista  
Township of Deptford  
Township of East Greenwich  
Township of Egg Harbor  
Township of Franklin  
Township of Galloway  
Township of Gloucester  
Township of Greenwich  
Township of Hamilton  
Township of Harrison  
Township of Maplewood  
Township of Monroe  
Township of Mullica  
Township of North Bergen  
Township of Pennsauken  
Township of Washington  
Township of Winslow  
Ventnor City  
Voorhees Township  
Waterford Township  
West New York Town  
Weymouth Township  
Woolwich Township

## NEW YORK

Babylon Village  
City of Long Beach  
Oyster Bay, Town Of  
Penfield, Town Of  
Town of Babylon  
Town of Babylon  
Town of Gates  
Town of Greece

Town of Ogden  
Town of Riverhead  
Village of Hempstead

## PENNSYLVANIA

Baldwin Borough  
Bethel Park municipality  
Bethlehem Township  
Borough of Bath  
Borough of Colwyn  
Borough of East Lansdowne  
Borough of Marcus Hook  
Borough of Norristown  
Borough of Pottstown  
Borough of Steelton  
Borough of Walnutport  
Borough of Wilkinsburg  
Borough of Wilson  
Castle Shannon Borough  
Chester City  
City of Allentown  
City of Bethlehem  
City of Bethlehem  
City of Easton  
City of Harrisburg  
City of Lancaster  
City of McKeesport  
City of Pittston  
City of Reading  
City of Scranton  
City of Wilkes-Barre  
City of York  
City of York  
East McKeesport Borough  
Kingston Borough  
Lansdowne Borough  
Lower Alsace Township  
Lower Paxton Township  
Municipality of Penn Hills  
Palmer Township  
Susquehanna Township  
Swatara Township  
Swissvale Borough  
Township of Derry  
Township of Forks  
West Newton Borough

## WASHINGTON

Cheney City  
City of Spokane  
City of Wenatchee  
City of West Allis

**FORECLOSURE AND VACANT PROPERTY ORDINANCE**  
**ORDINANCE NO. 2019-\_\_\_\_\_ <GOVERNED AREA>, <STATE>**

***ORDINANCE 2019-***

AN ORDINANCE, CREATING TITLE ##, CHAPTER ##, OF THE <GOVERNED AREA> CODE OF <GOVERNMENT> TO BE ENTITLED, "REGISTRATION OF FORECLOSURE MORTGAGES AND VACANT PROPERTY"; PROVIDING FOR PURPOSE, INTENT AND APPLICABILITY OF THE ORDINANCE REQUIRING THE REGISTRATION AND MAINTENANCE OF CERTAIN REAL PROPERTY BY MORTGAGEES AND VACANT PROPERTY BY OWNERS; PROVIDING FOR PENALTIES AND ENFORCEMENT, AS WELL AS THE REGULATION, LIMITATION AND REDUCTION OF REGISTRABLE REAL PROPERTY WITHIN THE <GOVERNED AREA>; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

***(RECITALS)***

WHEREAS, the <GOVERNMENT> <LEGISLATIVE BODY> desires to protect the public health, safety, and welfare of the citizens of the <INCORPORATED/UNINCORPORATED> area of <GOVERNED AREA> and maintain a high quality of life for the citizens of the <GOVERNED AREA> through the maintenance of structures and properties in the <GOVERNED AREA>; and

WHEREAS, the <LEGISLATIVE BODY> recognizes properties subject to foreclosure action or foreclosed upon and vacant properties (hereinafter referred to as "Registrable Properties") located throughout the <GOVERNED AREA> lead to a decline in community and property value; create nuisances; lead to a general decrease in neighborhood and community aesthetic; create conditions that invite criminal activity; and foster an unsafe and unhealthy environment; and

WHEREAS, the <LEGISLATIVE BODY> has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

WHEREAS, the <LEGISLATIVE BODY> recognizes in the best interest of the public health, safety, and welfare a more regulated method is needed to discourage Registrable Property Owners



**FORECLOSURE AND VACANT PROPERTY ORDINANCE**  
**ORDINANCE NO. 2019-\_\_\_\_\_ <GOVERNED AREA>, <STATE>**

and Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised;  
and

WHEREAS, the <LEGISLATIVE BODY> has a vested interest in protecting neighborhoods against decay caused by Registrable Property and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration requirements of Registrable Property located within the <GOVERNED AREA> to discourage Registrable Property Owners and Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised.

**(RESOLUTION)**

**NOW THEREFORE, BE IT RESOLVED BY THE <GOVERNED AREA>:**

The <LEGISLATIVE BODY> finds that the implementation of the following changes and additions will assist the <GOVERNED AREA> in protecting neighborhoods from the negative impact and conditions that occur as a result of vacancy, absentee ownership, and lack of compliance with existing <GOVERNED AREA> regulations and laws.

- (a) That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon the adoption hereof.
- (b) That the <LEGISLATIVE BODY> does hereby amend the <GOVERNED AREA> Codified Ordinances by creating Title ##, Chapter ## entitled “Registration of Foreclosure Mortgages and Vacant Property” to read as follows.

**TITLE ##. CHAPTER ##. REGISTRATION OF FORECLOSING MORTGAGES AND  
VACANT PROPERTY**

**Sec. <ORD. CHAP>.<ORD. SEC> PURPOSE AND INTENT.**

It is the purpose and intent of the <LEGISLATIVE BODY> to establish a process to address the deterioration, crime, and decline in value of <GOVERNED AREA> neighborhoods caused by property with foreclosing or foreclosed mortgages located within the <GOVERNED AREA>, and to identify, regulate, limit and reduce the number of these properties located within the <GOVERNED AREA>. It has been determined that Owner-occupied structures are generally better maintained when compared to vacant structures, even with a diligent off-site property Owner. Vacant structures or structures owned by individuals who are economically strained and unable to meet their mortgage obligations are often not properly or diligently maintained, which contribute to blight, declined property values, and have a negative impact on social perception of the residential areas where they are located. It is the <LEGISLATIVE BODY>’s further intent to establish a registration program as a mechanism to help protect neighborhoods from becoming blighted through the lack of adequate maintenance of properties that are in Foreclosure or

**FORECLOSURE AND VACANT PROPERTY ORDINANCE**  
**ORDINANCE NO. 2019-\_\_\_\_\_ <GOVERNED AREA>, <STATE>**

Foreclosed, and to provide a mechanism to avert foreclosure actions through timely intervention, education, or counseling of property Owners.

**Sec. <ORD. CHAP>.<ORD. SEC> DEFINITIONS**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

***Default*** shall mean that the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.

***Enforcement Officer*** shall mean any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other person authorized by the <GOVERNED AREA> to enforce the applicable code(s).

***Evidence of Vacancy*** shall mean any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due Utility notices and/or disconnected Utilities; accumulation of trash junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings in violation of applicable code.

***Foreclosure or Foreclosure Action*** shall mean the legal process by which a Mortgagee, or other lien holder, terminates or attempts to terminate a property Owner's equitable right of redemption to obtain legal and equitable title to the Real Property pledged as security for a debt or the Real Property subject to the lien. The legal process is not concluded until the property obtained by the Mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

***Mortgagee*** shall mean the creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement; or any other person or entity with the legal right to foreclose on the Real Property, excluding governmental entities.

***Owner*** shall mean every person, entity, or Mortgagee, who alone or severally with others, has legal or equitable title to any Real Property as defined by this Chapter; has legal care, charge, or control of any such property; is in possession or control of any such property; and/or is vested with possession or control of any such property. The Property Manager shall not be considered the Owner.

***Property Manager*** shall mean any party designated by the Owner as responsible for inspecting, maintaining and securing the property as required in this Chapter.

**FORECLOSURE AND VACANT PROPERTY ORDINANCE**  
**ORDINANCE NO. 2019-\_\_\_\_\_**                      **<GOVERNED AREA>, <STATE>**

***Real Property*** shall mean any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the <GOVERNED AREA> limits.

***Registrable Property*** shall mean:

- (a) Any Real Property located in the <GOVERNED AREA>, whether vacant or occupied, that is encumbered by a mortgage subject to an ongoing Foreclosure Action by the Mortgagee or Trustee, has been the subject of a Foreclosure Action by a Mortgagee or Trustee and a Judgement has been entered, or has been the subject of a Foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the Foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a “foreclosure” property as “registrable” shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm’s length transaction or the Foreclosure Action has been dismissed; or
- (b) Any property that is vacant for more than thirty (30) days or any cancellation of Utility or Service, whichever occurs first.

***Registry*** shall mean a web-based electronic database of searchable Real Property records, used by the <GOVERNED AREA> to allow Mortgagees and Owners the opportunity to register properties and pay applicable fees as required in this Chapter.

***Semi-Annual Registration*** shall mean six (6) months from the date of the first action that requires registration, as determined by the <GOVERNED AREA>, or its designee, and every subsequent six (6) months. The date of the initial registration may be different than the date of the first action that required registration.

***Utilities and Services*** shall mean any utility and/or service that is essential for a building to be habitable and/or perform a service necessary to comply with all <GOVERNED AREA> codes. This includes, but is not limited to, electrical, gas, water, sewer, lawn maintenance, pool maintenance, and snow removal.

***Vacant*** shall mean any parcel of land in the <GOVERNED AREA> that contains any building or structure that is not lawfully occupied.

**Sec. <ORD. CHAP>.<ORD. SEC> APPLICABILITY AND JURISDICTION**

This Chapter applies to Foreclosing, Foreclosed, and Vacant property within the <GOVERNED AREA>.



**FORECLOSURE AND VACANT PROPERTY ORDINANCE**  
ORDINANCE NO. 2019-\_\_\_\_\_ <GOVERNED AREA>, <STATE>

**Sec. <ORD. CHAP>.<ORD. SEC> ESTABLISHMENT OF A REGISTRY**

Pursuant to the provisions of Section ## the <GOVERNED AREA>, or its designee, shall establish a registry cataloging each Registrable Property within the <GOVERNED AREA>, containing the information required by this Chapter.

**Sec. <ORD. CHAP>.<ORD. SEC> INSPECTION AND REGISTRATION OF REAL  
PROPERTY UNDER FORECLOSURE**

- (a) Any Mortgagee who holds a mortgage on Real Property located within the <GOVERNED AREA> shall perform an inspection of the property upon default by the mortgagor as evidenced by the filing of a Foreclosure Action.
- (b) Property inspected pursuant to subsection (a) above that remains in Foreclosure shall be inspected every thirty (30) days by the Mortgagee or Mortgagee's designee. If an inspection shows a change in the property's occupancy status the Mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration.
- (c) Within ten (10) days of the date any Mortgagee files a Foreclosure Action, the Mortgagee shall register the Real Property with the <GOVERNED AREA> Registry, and, at the time of registration, indicate whether the property is Vacant, and if so shall designate in writing a Property Manager to inspect, maintain, and secure the Real Property subject to the mortgage under a Foreclosure Action. A separate registration is required for each property under a Foreclosure Action, regardless of whether it is occupied or vacant.
- (d) Initial registration pursuant to this section shall contain at a minimum the name of the Mortgagee, the mailing address of the Mortgagee, e-mail address, telephone number and name of the Property Manager and said person's address, e-mail address, and telephone number.
- (e) At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of <FEE AMOUNT> for each property. Subsequent non-refundable Semi-Annual renewal registrations of properties and fees in the amount of <FEE AMOUNT> are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Defaulted properties, (3) post-closing counseling and Foreclosure intervention limited to Owner-occupied persons in Default, which may not include cash and mortgage modification assistance, and (4) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account in the <GOVERNED AREA>'s Department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Chapter. None of the funds provided for in this section shall be utilized for the legal defense of Foreclosure Actions.

**FORECLOSURE AND VACANT PROPERTY ORDINANCE**  
**ORDINANCE NO. 2019-\_\_\_\_\_ <GOVERNED AREA>, <STATE>**

- (f) Each individual property on the Registry that has been registered for twelve (12) months or more prior to the Effective Date shall have thirty (30) days to renew the registration and pay the non-refundable <FEE AMOUNT> Semi-Annual Registration fee. Properties registered less than twelve (12) months prior to the Effective Date shall renew the registration every six (6) months from the expiration of the original registration renewal date and shall pay the non-refundable <FEE AMOUNT> Semi-Annual Registration Fee.
- (g) If the mortgage and/or servicing on a Registrable Property is sold or transferred, the new Mortgagee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Mortgagee shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.
- (h) If the Mortgagee sells or transfers the Registrable Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including, but not limited to, unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous Mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Foreclosed Property.
- (i) If the Foreclosing or Foreclosed Property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the Semi-Annual Registration fee shall be charged for every thirty-day period (30), or portion thereof, the property is not registered and shall be due and payable with the registration.
- (j) This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the Mortgagee as well as any properties transferred to the Mortgagee under a deed in lieu of foreclosure or by any other legal means.
- (k) Properties subject to this section shall remain subject to the Semi-Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property remains Registrable Property.
- (l) Failure of the Mortgagee and/or property Owner of record to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the <GOVERNED AREA>.
- (m) If any property is in violation of this Chapter the <GOVERNED AREA> may take the necessary action to ensure compliance with and/or place a lien on the property for the cost

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of the outstanding obligation and any additional cost incurred to the property into compliance.

**Sec. <ORD. CHAP>.<ORD. SEC> INSPECTION AND REGISTRATION OF REAL PROPERTY THAT IS NOT SUBJECT TO A MORTGAGE IN FORECLOSURE**

- (a) Any Owner of Vacant property located within the <GOVERNED AREA> shall within ten (10) days after the property becomes Vacant, register the Real Property with the <GOVERNED AREA> Registry.
- (b) Initial registration pursuant to this section shall contain at a minimum the name of the Owner, the mailing address of the Owner, e-mail address, and telephone number of the Owner, and if applicable, the name and telephone number of the Property Manager and said person's address, e-mail address, and telephone number.
- (c) At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of <FEE AMOUNT> for each Vacant property. Subsequent non-refundable Semi-Annual renewal registrations of Vacant properties and fees in the amount of <FEE AMOUNT> are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Vacant properties, and (3) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account in the <GOVERNED AREA>'s Department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Chapter.
- (d) Each individual property on the Registry that has been registered for twelve (12) months or more prior to the Effective Date shall have thirty (30) days to renew the registration and pay the non-refundable <FEE AMOUNT> Semi-Annual Registration fee. Properties registered less than twelve (12) months prior to the Effective Date shall renew the registration every six (6) months from the expiration of the original registration renewal date and shall pay the <FEE AMOUNT>.
- (e) If the property is sold or transferred, the new Owner is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Owner shall register the Vacant property or update the existing registration. The previous Owner(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Owner's involvement with the Vacant property.
- (f) If the Vacant property is not registered, or either the registration fee or the Semi-Annual Registration fee is not paid within thirty (30) days of when the registration or Semi-Annual Registration is required pursuant to this section, a late fee shall be equivalent to ten percent (10%) of the Semi-Annual Registration fee shall be charged for every thirty (30) day period, or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and registrations required by subsequent Owners of the Vacant property.



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- (g) Properties subject to this section shall remain subject to the Semi-Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property is Vacant.
- (h) Failure of the Owner to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the <GOVERNED AREA>.
- (i) If any property is in violation of this Chapter the <GOVERNED AREA> may take the necessary action to ensure compliance with and place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.
- (j) Properties registered as a result of this section are not required to be registered again pursuant to the Foreclosure mortgage property section.

**Sec. <ORD. CHAP>.<ORD. SEC> MAINTENANCE REQUIREMENTS**

- (a) Properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, or any other items that give the appearance that the property is abandoned.
- (b) Registrable Property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- (c) Front, side, and rear yards, including landscaping, of Registrable Property shall be maintained in accordance with the applicable code(s) at the time registration is required.
- (d) Registrable yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- (e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- (f) Pools and spas of shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- (g) Failure of the Mortgagee, Owner, and transferees to properly maintain the property as required by this Chapter may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable code of the

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<GOVERNED AREA>. Pursuant to a finding and determination by the <GOVERNED AREA> Sheriff, Magistrate or a court of competent jurisdiction, the <GOVERNED AREA> may take the necessary action to ensure compliance with this section.

- (h) In addition to the above, the property is required to be maintained in accordance with the applicable code(s) of the <GOVERNED AREA>.

**Sec. <ORD. CHAP>.<ORD. SEC> SECURITY REQUIREMENTS**

- (a) Properties subject to these Sections shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- (b) A “secure manner” shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by re-glazing of the window.
- (c) If a property is Registrable, and the property has become vacant or blighted, a Property Manager shall be designated by the Mortgagee and/or Owner to perform the work necessary to bring the property into compliance with the applicable code(s), and the Property Manager must perform regular inspections to verify compliance with the requirements of this Chapter, and any other applicable laws.
- (d) In addition to the above, the property is required to be secured in accordance with the applicable code(s) of the <GOVERNED AREA>.
- (e) When a property subject to this Chapter becomes Vacant, it shall be posted with the name and twenty-four (24) hour contact telephone number of the Property Manager. The Property Manager shall be available to be contacted by the <GOVERNED AREA> Monday through Friday between 9:00 a.m. and 5:00 p.m., legal holidays excepted. The sign shall be placed in a window facing the street and shall be visible from the street. The posting shall be no less than eighteen (18) inches by twenty-four (24) inches and shall be of a font that is legible from a distance of forty-five (45) feet. The posting shall contain the following language with supporting information:

THIS PROPERTY IS MANAGED BY \_\_\_\_\_.  
AND IS INSPECTED ON A REGULAR BASIS. \_\_\_\_\_.  
THE PROPERTY MANAGER CAN BE CONTACTED \_\_\_\_\_.  
BY TELEPHONE AT \_\_\_\_\_.  
OR BY EMAIL AT \_\_\_\_\_.

- (f) The posting required in subsection (e) above shall be placed on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so that

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it is visible from the street or if no such area exists, on a stake of sufficient size to support the posting in a location that is at all times visible from the street to the front of the property but not readily accessible to vandals. Exterior posting shall be constructed of and printed with weather-resistant materials.

- (g) Failure of the Mortgagee and/or property Owner of record to properly inspect and secure a property subject to this Chapter, and post and maintain the signage noted in this section, is a violation and shall be subject to enforcement by any of the enforcement means available to the <GOVERNED AREA>. The <GOVERNED AREA> may take the necessary action to ensure compliance with this section, and recover costs and expenses in support thereof.

**Sec. <ORD. CHAP>.<ORD. SEC> PROVISIONS SUPPLEMENTAL**

The provisions of this Chapter are cumulative with and in addition to other available remedies. Nothing contained in this Chapter shall prohibit the <GOVERNED AREA> from collecting on fees, fines, and penalties in any lawful manner; or enforcing its codes by any other means, including, but not limited to, injunction, abatement, or as otherwise provided by law or ordinance.

**Sec. <ORD. CHAP>.<ORD. SEC> PUBLIC NUISANCE**

All Registrable Property is at risk of being a public nuisance and if vacant or blighted can constitute a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of the <GOVERNED AREA>.

**Sec. <ORD. CHAP>.<ORD. SEC> ADDITIONAL AUTHORITY**

- (a) If the Enforcement Officer has reason to believe that a property subject to the provisions of this Chapter is posing a serious threat to the public health, safety, and welfare, the code Enforcement Officer may temporarily secure the property at the expense of the Mortgagee or Owner, and may bring the violations before the code enforcement <LEGISLATIVE BODY> or special magistrate as soon as possible to address the conditions of the property. Nothing herein shall limit the <GOVERNED AREA> from abating any nuisance or unsafe condition by any other legal means available to it.
- (b) The Sheriff, code enforcement <LEGISLATIVE BODY> or special magistrate shall have the authority to require the Mortgagee or Owner affected by this section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.
- (c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety, and welfare, then the Sheriff, code enforcement, <LEGISLATIVE BODY>

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or special magistrate may direct the <GOVERNED AREA> to abate the violations and charge the Mortgagee or Owner with the cost of the abatement.

- (d) If the Mortgagee or Owner does not reimburse the <GOVERNED AREA> for the cost of temporarily securing the property, or of any abatement directed by the Sheriff, code enforcement officer, code enforcement, <LEGISLATIVE BODY> or special magistrate, within thirty (30) days of the <GOVERNED AREA> sending the Mortgagee or Owner the invoice then the <GOVERNED AREA> may lien the property with such cost, along with an administrative fee as determined in the <GOVERNED AREA>'s fee ordinance to recover the administrative personnel services. In addition to filing a lien the <GOVERNED AREA> may pursue financial penalties against the Mortgagee or Owner.
- (e) The <GOVERNED AREA> may contract with an entity to implement this Chapter, and, if so, any reference to the Enforcement Officer herein shall include the entity the <GOVERNED AREA> contract with for that purpose.

**Sec. <ORD. CHAP>.<ORD. SEC> OPPOSING, OBSTRUCTING ENFORCEMENT OFFICER; PENALTY**

Whoever opposes obstructs or resists any Enforcement Officer or any person authorized by the enforcement office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.

**Sec. <ORD. CHAP>.<ORD. SEC> IMMUNITY OF ENFORCEMENT OFFICER**

Any Enforcement Officer or any person authorized by the <GOVERNED AREA> to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon Real Property while in the discharge of duties imposed by this Chapter.

**Sec. <ORD. CHAP>.<ORD. SEC> PENALTIES**

Unless otherwise provided for in this Chapter, a violation of this Chapter is declared unlawful.

**Sec. <ORD. CHAP>.<ORD. SEC> AMENDMENTS**

Registration fees and penalties outlined in this Article may be modified by resolution, administrative order, or an amendment to this Article, passed and adopted by the <LEGISLATIVE BODY>.

**Sec. <ORD. CHAP>.<ORD. SEC> SEVERABILITY**

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It is hereby declared to be the intention of the <GOVERNED AREA> that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

**Sec. <ORD. CHAP>.<ORD. SEC> REPEALER**

All ordinances or parts of ordinances in conflict herewith, are hereby repealed and replaced.

**Sec. <ORD. CHAP>.<ORD. SEC> CODIFICATION**

It is the intention of the <LEGISLATIVE BODY>, that the provisions of this Ordinance shall become and be made a part of the <GOVERNED AREA> Code of Ordinances; and that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "chapter", or such other appropriate word or phrase in order to accomplish such intentions.

**Sec. <ORD. CHAP>.<ORD. SEC> EFFECTIVE DATE**

This ordinance shall become effective immediately upon adoption.



## **TOWN OF KENT**

### **SOCIAL MEDIA/NETWORKING POLICY**

#### **I. Purpose and Policy:**

The Town of Kent Social Media/Networking Policy describes the Town's rules and guidelines respecting the personal conduct by Town employees while engaging in social networking and utilizing social media and to eliminate any confusion concerning the use of social media. This Policy applies to all Town employees and its purpose is to:

1. Encourage the Town to permit the responsible use of social media by its employees; and
2. Establish minimum requirements for the use of social media in Town government.

#### **II. Definition of Social Media/Social Networking:**

This policy refers to the use of Internet forums and sites, including, without limitation, *Facebook*, *Twitter*, *YouTube*, *LinkedIn*, and photo-sharing sites and blogging sites. Because new social media/networking sites are created regularly, this Policy is not limited to the sites named herein.

#### **III. Use of Social Media/Networking:**

To utilize social media for official Town purposes and during Town business hours, employees must receive the authorization of the Department Head. If authorization is obtained, the employee utilizing social media is required to be respectful to the Town, to other employees, community partners, elected and appointed officials and government agencies. All other use of social media/networking by Town employees during Town business hours is prohibited.

Outside the workplace, an employee's right to privacy and free speech protect online activity conducted on an employee's social networks with personal e-mail addresses. However, what an employee publishes on such personal online sites should never be attributed to the Town and should not appear to be endorsed by or originated from the Town. If an employee chooses to list his/her work affiliation on a social network, then the employee should regard all communication on that network as he/she would in a professional network.

#### **IV. Identifying oneself as an employee of the Town:**

Because most social networking sites have fields in the "user Profile" for work experience, job title, etc., by identifying oneself as an employee of the Town, a social networker becomes, to some extent, associated with the Town, and everything he/she posts has the potential to reflect on the Town and its image. Although the Town does not want to discourage this association, if an employee participates in social media/networking, the Town expects the following:

1. That each employee will exercise good judgment and proper taste in social media postings and photos;

2. As a Policy, employees are not permitted to identify themselves as representatives of the Town;
3. The Town prohibits employees from listing a job title or using the Town's logo without written consent from the Town Board; and
4. If a social network user identifies him/herself as an employee of the Town, then any personal blogs and other personal posts must contain disclaimers that make it clear that the opinions expressed are solely those of the author and do not represent the views of the Town. (An example for a blogger, "the posts on this site, including but not limited to images, links, and comments left by readers, are the author's own and do not represent the position or opinion of the author's employer.")

Please remember that an employee's online presence, actions, captured images, posts or comments reflect upon the Town. Each employee is personally responsible for any of his/her online activity conducted with a Town e-mail address or which can be traced back to the Town's domain or which uses Town assets. Utilizing a Town employment title or e-mail address implies that an employee is acting on the Town's behalf.

#### **V. Making Recommendations for Others for Jobs and Other Roles:**

Some social media sites provide for members to write recommendations or referrals for friends or associates. If a Town employee does this as a representative of the Town, it may give the appearance that the Town endorses the individual being recommended, which may create a liability issue for the Town. It is for this reason that the Town prohibits employees (those who identify themselves on social media/networking sites as an employee of the Town) from making such recommendations or referrals.

#### **VI. Referring to Others:**

The Town's relationship with citizens, community groups and organizations and with other government agencies can be damaged through a thoughtless comment. Even a positive reference could be utilized in a negative manner and can damage these relationships. As such, this Policy restricts publishing photographs, videos or quotes of others without first obtaining their permission.

#### **VII. Confidential Information:**

Town employees must protect Town information that is considered to be non-public in nature, in accordance with Town policies pertaining to confidential information and disclosure.

#### **VIII. Complying with Terms of Service for Social Networking Sites:**

Most social networking sites require that users, when they sign up, agree to abide by a Terms of Service Agreement. In particular for certain employees who may have been assigned a job

related duty to use a social network, the employee is responsible for reading, knowing and complying with the Terms of Service Agreement of the sites used.

**IX. Copyright and Other Legal Issues:**

The Town requires employees to comply with copyright laws. Plagiarism (the posting of someone else's work) without permission/citation is also not allowed. Other relevant laws include those related to libel, slander and defamation of character and can result in litigation against the author/speaker of the statement. If this involved a Town employee, at the very least it could bring bad publicity to the Town.

**X. Consequences to Employee for Policy Violations:**

Violations of this Policy may result in disciplinary action, including termination. Where no policy or guidelines exist, employees should use their professional judgment and take the most prudent action possible. Consult with your Department Head if you are uncertain or need clarification about this Policy.