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## Frederick officials eye options for seizing, forcing action on blighted properties during workshop

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### Asiana Blight

A person walks by the long-vacant former Asiana restaurant on North Market Street.

Staff file photo by Bill Green

City of Frederick officials on Wednesday discussed redefining a long-standing provision in city code that, despite being originally designed to help address blighted properties, has never been used.

The concept of receivership — which involves the city petitioning Frederick County District Court to appoint a designated third-party receiver to manage a vacant or derelict property on behalf of an absentee or noncompliant owner — was added to the city’s code in 2013, but the conditions under which the ordinance can be used remain murky.

“There are some buildings on Market Street in downtown Frederick that have not had tenants for many, many years, more than 10 in some instances. ... And while they may be well-maintained, because they are vacant, they are detracting from the vibrancy of downtown,” said Mayor Michael O’Connor, whose office presented Wednesday’s plan, speaking before the hearing. “And what I’ve seen is, we’re still lacking in a tool that can allow us to look at a habitually vacant building ... and move that property into its highest and best use.”

For example, the current provision states that receivership applies to unoccupied buildings that have either been condemned by the city’s property maintenance or building codes, or unoccupied buildings with outstanding court orders to abate one or more violations of city code. While many properties fall under that category, the ordinance doesn’t clearly lay out a specific definition of an unoccupied building.

Even after subsequent discussions by the Blighted Property Task Force in 2015 attempted to settle the matter by proposing to narrow the term “unoccupied building” to “habitually vacant structures,” no time frame or further clarification was presented before the Board of Aldermen at the time.

In contrast, the language presented at Wednesday’s workshop was more precise, defining any residential or commercial properties that are completely unoccupied or commercial buildings in which at least 30 percent of the structure’s total square footage is unoccupied as vacant.

The proposed language also sets a firm timeline before a building can be declared habitually vacant at four years and includes a caveat that any structures that have received at least two court orders or judgments within a two-year period are also eligible for receivership.

While the majority of the board expressed an interest in moving forward with the new definitions, several residents from Neighborhood Advisory Council 11, which encompasses downtown Frederick, took to the lectern during public comment to ask for even more to be done.

“We think [this] is only one part of the process, and we think if you’re going to go through this entire process, that you may as well do it once and do it right,” said Steven Jakubczyk, speaking on behalf of the NAC’s Seriously Deteriorated and Habitually Vacant Property Subcommittee.

Jakubczyk presented the board with a detailed report compiled by the subcommittee over the course of 14 meetings and two conversations with different city officials since January. The residents also conducted their own evaluation of the buildings downtown, identifying a total of 68 properties that they determined to be in poor condition, including 39 properties that were both vacant and in poor overall condition, 14 that were vacant and in very poor condition, and 10 properties that were at risk of demolition by neglect.

By comparison, a chart compiled by the mayor’s office indicated that only eight commercial properties in the city had been vacant and on the market for more than five years. While the numbers admittedly did not allow a direct comparison, the disparity was enough to convince Jakubczyk that the city may not fully recognize the scale of the problem.

“I’ll pass by more than that [many vacant buildings] just on my way home to Fifth Street,” Jakubczyk said after the hearing.

Marjorie Rosensweig, another member of the NAC 11 subcommittee, expressed dissatisfaction with the idea of allowing owners of vacant properties an additional four years before receivership becomes an option.

“You’re looking at a minimum of five years before anything is actually done, and that’s just not acceptable,” Rosensweig said.

Instead, Rosensweig suggested the city adopt the subcommittee’s recommendation for a mandatory registration system for owners of properties vacant for more than six months. Such a system would not only provide the city with a reliable road map to identify properties and track the scope of the problem, but could also pressure property owners to act sooner by adopting another of the subcommittee’s recommendations to implement fees or fines on a sliding scale over the amount of time a property remains vacant.

Under the subcommittee’s plan, registered properties would be open to regular inspection by city officials to evaluate the safety and integrity of the buildings, which would in turn lower the risk that unattended buildings could deteriorate the city through broken pipes, a pest infestation or,

in the worst-case scenario, an emergency that would endanger other properties such as a fire caused by faulty wiring, Jakubczyk and Rosensweig said.

At the hearing, members of the subcommittee stressed the importance of including other recommendations in the city's approach, including more closely coordinating efforts between city agencies assigned to address specific code violations and quickly and promptly addressing buildings deemed to be in overall poor condition.

"It tends to be a process [where a property] goes from being seriously deteriorated to habitually vacant and becoming blight, so you may as well start your process where the problem starts," Jakubczyk told the mayor and aldermen. "... If you look at it from that point of view, before you get to receivership, which we frankly describe as the 'nuclear option,' and something that we put at the bottom of our list that we hopefully wouldn't have to get there. An ounce of prevention is worth a pound of cure."

Since the subcommittee's plan was completed only a day before Wednesday's hearing, city officials ended Wednesday's workshop vowing to read the recommendations and get back to the residents with potential additions or modifications to the city's plan.

"We will review the comments that we heard here this evening, and staff will come back and we will figure out where this will get scheduled for public hearing down the line," O'Connor said, explaining that when the proposed document — potentially with modifications reflecting the subcommittee's testimony — returns for a hearing and a vote, the public will once again have an opportunity to voice their concerns.

After the workshop, Alderman Derek Shackelford emphasized his and his fellow officials' interest in hashing out the details surrounding receivership and blighted properties fully.

"I think that some of the work that the committee has done is invaluable, and we took great interest in what they had to say," Shackelford said. "We've got some work to do."

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