

# How to use receivership to stabilize abandoned and foreclosed properties



A guidebook by the  
Massachusetts Housing Partnership



and the Office of  
Attorney General Martha Coakley



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**Dear Receivership Training attendee,**

**W**elcome to today's receivership training. We appreciate your dedication to the effort to stabilize abandoned properties and neighborhoods across the Commonwealth.

In today's economy, as more homeowners face foreclosure, it is critical that communities have the tools they need to address the growing number of abandoned properties plaguing neighborhoods. One of these tools is receivership.

Today's training will help you understand how receivership can help your community stabilize foreclosed and abandoned properties. Speakers from the Attorney General's Office and the Massachusetts Housing Partnership will explain the receivership process, and experts from local government, housing courts and non-profit organizations will discuss the challenges and opportunities of using receivership to improve and stabilize properties.

Support for today's training, and other regional trainings scheduled across the state, is being provided by the federal Neighborhood Stabilization Program (NSP). Earlier this year, the state Department of Housing and Community Development awarded NSP funds to us so we could collaborate and expand our abandoned housing and receivership initiatives.

We appreciate your interest in receivership and hope you find today's training session helpful in your efforts to address abandoned and foreclosed properties in your community.

Sincerely,

**Clark L. Ziegler**  
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# I. Introduction

# Receivership can be useful in helping communities address abandoned, foreclosed properties

One of the by-products of the decline in real estate values and the mortgage credit crisis has been an increase in the number of properties that have been abandoned by their owners, leaving neighborhoods and often tenants to deal with the disastrous consequences.

Abandoned housing affects the safety, health, and welfare of the tenants as well as neighbors and quick action by a city or town can prevent homelessness and/or further neighborhood deterioration.

In these lean economic times when municipalities have serious financial challenges and limited staff resources, the court appointment of a receiver with independent authority to undertake needed repairs under its supervision is a very powerful tool.

## **What can be done through receivership?**

Receivership is one of many strategies that have been used successfully by a number of communities as part of their approach to deal with distressed and abandoned properties. The receiver is responsible for rehabilitating and stabilizing a property that has been seriously neglected by the owner. Combined with other strategies such as tax taking, code enforcement, and condemnation/demolition, receivership can be a very effective way of bringing properties back to the tax rolls and providing tenants and neighborhoods the security and safety they deserve.

## **Acknowledgements**

**Many sources have been used to put this book together, including:**

- **Worcester Community Housing Resources, Inc.'s Receivership 101 handbook;**
- **Massachusetts Continuing Legal Education's Neighborhood Blight, Neglected and Abandoned Properties, Receiverships seminar book;**
- **Helen Zucco of Chelsea Restoration Corporation, a participant in many successful receivership efforts;**
- **Attorney General Martha Coakley's Abandoned Housing Initiative Handbook.**

## **Supported by federal Neighborhood Stabilization Program funds**

The Department of Housing and Community Development (DHCD) has awarded Neighborhood Stabilization Program (NSP) funds to the Massachusetts Attorney General's office (AGO) and the Massachusetts Housing Partnership (MHP) to collaborate on an initiative to support the 39 NSP communities (see list in Tab 5) in exploring how receivership can help to deal with abandoned and foreclosed properties (see NSP definition in Glossary, Tab 5).

This collaboration includes three elements:

- The provision of legal assistance to municipal officials from Assistant Attorneys General in the AGO's three regional offices;
- MHP technical assistance to three pilot receivership communities, New Bedford, Worcester, and Springfield;
- A series of AGO/MHP sponsored receivership training sessions for communities.

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## **Expands programs of Attorney General's Office and MHP**

The initiative is part of an ongoing expansion of the Attorney General's Abandoned Housing Initiative (AHI) which was initiated in the mid-1990's to address the problem of foreclosed and abandoned properties, specifically targeting the communities identified by DHCD through the NSP. The AHI expansion combines the ability of the AGO to address abandoned properties with MHP's experience assisting communities establish receivership programs. It is also supporting MHP's Receivership Initiative which was launched in late 2008. This pilot program supports efforts in New Bedford, Worcester and Springfield by providing technical and financial support to municipal officials and receivers through a local program administrator. More information about the program administrator model can be found at Tab 3.

## II. Roles & Responsibilities

# Key players

## in running a successful receivership program

The success of a receivership effort in a community requires teamwork. Cooperation and coordination from both outside and within municipal government are critical elements if a municipality is to be successful in using this very powerful tool.

The key players in the receivership process include:

- Municipal officials responsible for enforcement of the state sanitary code (e.g. inspectional services and/or board of health);
- Municipality's legal staff;
- Program administrator (when applicable);
- Receivers;
- Housing court (or district or superior court);
- Massachusetts Attorney General's Office.

Each of the above has key roles and responsibilities in the process of moving from the identification of distressed property through the appointment of receiver. The following is an outline of the key roles in the receivership process:

### **Board of health/Inspectional services: Enforcement of sanitary code triggers receivership process**

The action that triggers the beginning of the receivership process is a complaint to the municipal department that is responsible for enforcing the State Sanitary Code. Responsibility for enforcing the State Sanitary Code rests with the board of health. Depending upon how your municipality is structured, an inspectional services department might serve this function.

Chapter II of the State Sanitary Code [IDS CMR 410.00] lays out "minimum standards of fitness for human habitation" and covers a broad range of requirements from heat and hot water to the storage of garbage and rubbish. It also provides specific guidelines about the process that must be followed once a complaint has been received and if the property has been determined not to be in compliance with the code.

The complaint can be initiated by a tenant, an abutter or other interested person communicating concerns about a specific property. This can be done in writing or orally to the board of health. This complaint triggers an inspection of the property by the local inspector who makes a determination as to whether the property is or is not in compliance with the State Sanitary Code.

Access by an inspector to the interior of a property can be a challenge under some circumstances. If the property is occupied, access can be provided by the tenant or other authorized person such as a management company. If the property is unoccupied, an inspection of the exterior is not a problem but access to the interior of the property may or may not be granted by the owner or the owner's agent.

If access cannot be obtained, the municipality can submit an affidavit to the court seeking an order for administrative search warrant that details why access is needed. This affidavit will detail what violations of the state sanitary code they are seeking out in the interior of the building. The

inspectors are authorized only to look for those violations that are stated in the affidavit unless obvious code violations present themselves.

As detailed in the code, if an inspection reveals that a dwelling does not comply with the State Sanitary code, the board of health or its designated agent will order the owner or occupant to correct the violations and will detail the amount of time in which they need to be underway. All orders are in writing and detail the complaint, the right to a hearing, and the time limit for compliance.

If the owner does not respond to the order to correct the sanitary code violations, or if the situation is critical and warrants immediate intervention by the municipality, then a determination as to whether to seek a receiver should be made.

**Properties that are good candidates include:**

- **Properties where there has been a history of code violations and where there is a demonstrated pattern of poor management (e.g. police calls, tax liens);**
- **Occupied properties where the health and safety of the tenants are at risk and the tenants are willing and able to pay rent;**
- **Unoccupied properties that pose a health and safety threat to the neighborhood and are good candidates for rehabilitation;**
- **Properties that are structurally sound and where the estimated cost of the improvements needed to bring in into compliance with the code do not exceed 50% of the value of the property.**

The Board of Health or Inspectional services should be working with the law department and/or the Attorney General’s office to guide them in the appropriateness of seeking the appointment of a receiver as early on in the process as possible.

**Lawyers: Critical link in helping municipalities enforce sanitary code**

Oftentimes, the mere threat of a receivership can result in action by an owner who does not want to lose control of the property.

The lawyer(s) who is responsible for working with Board of Health/Inspectional Services is a critical link in the receivership process. Typically the law department will work closely with the officials enforcing the code to ensure that all documentation is assembled regarding inspections and attempts to secure the owner’s cooperation.

As noted in the previous section, once a property has been cited for violations of the State Sanitary Code, the municipality notifies the owner of record as to the code violations and attempts to secure the owner’s cooperation in making the necessary improvements. Oftentimes, the mere threat of a receivership can result in action by an owner who does not

want to lose control of his/her property.

The Attorney General’s Office is available to assist the 39 NSP communities (see list, Tab 5) to seek owner’s cooperation in making needed property improvements or as needed to seek the appointment of a receiver. The AGO is specifically targeting properties that meet HUD’s NSP definition of Abandoned or Foreclosed (see Glossary, Tab 5). Eligible properties are those that meet the definition and are located in NSP eligible census tracts in the community.

Concurrent with the attempts to secure the owner’s cooperation, the law department or Assistant Attorney General (AAG) will undertake a search of city tax records and records at the Registry of

Deeds to gather critical information about the property. Important data to be collected includes:

- Names and addresses of the owner;
- All mortgagees and lien holders;
- Current tax assessment and tax liens;
- Reports from other municipal departments such as police, fire, electrical and gas inspectors and the water department.

This documentation is important as it will be used to support the municipality's petition for the appointment of a receiver if and when this becomes necessary.

If the owner does not correct the State Sanitary code violations within a specific time period which is dependent upon the nature of the violation, the law department or the AAG will produce a "demand letter." This letter will provide notice to the owner that the municipality intends to petition the appropriate court (housing, district, or superior court) for the appointment of a receiver unless the owner undertakes the necessary actions to bring the property in compliance with the State Sanitary Code.

The alternative to seeking a receiver is condemnation. The Board of Health may order a property condemned and vacated if it is determined that the unit or any portion of it is unfit for human habitation. Condemnation is often a last resort as the result is typically a boarded up property that becomes a neighborhood eyesore.

If the owner does not respond to the municipality's attempts to get the problem resolved, the law department or the AAG will prepare a petition to the court to enforce the provisions of the State Sanitary Code and to appoint a receiver.

**The petition will include the following:**

- **Description of the property;**
- **All of the parties to the petition, including the municipality, the owner, and any lien holders;**
- **The city or town's jurisdiction with regard to enforcement of the State Sanitary Code and;**
- **The facts of the case relating to the State Sanitary Code violations and the attempts made to secure the cooperation of the owner;**
- **The request for the appointment of a receiver.**

Upon delivery of the petition, and scheduling of a hearing date by the court, the petitioner sends a copy of the petition to all mortgagees and lien holders by certified or registered mail notifying them of the time and place of the hearing. This notice must be sent at least 14 days prior to any hearing related to the petition. Upon motion of the petitioner, the court may order shorter periods of prior notice (less than 14 days) to the owner and lien holders that may be justified by the facts of the case—for example an occupied property that has no heat or hot water in the middle of the winter where the tenants are in danger of becoming homeless.

**Receivership program administrators: Streamlining and financing receiverships**

In October of 2008, MHP launched an effort to provide a small amount of startup funding in the cities of Springfield, Worcester and New Bedford to undertake a pilot receivership initiative. The goal was to support these cities in their efforts to promote the use of receivership by funding a program administrator to work with all of the key players in a receivership effort including the municipality, the housing court and receivers. The responsibilities of the administrator are as follows:

1. Assess problem property: Upon request of code enforcement or legal department, the program administrator evaluates the property and determine what repairs will be required to keep it occupied. The administrator works with the city/town to decide which cases should be brought to court to seek a receiver.
2. Arrange for a receiver (if applicable): Administrator contacts a receiver who has been pre-screened by the program and has agreed to serve as a court-appointed receiver. In some jurisdictions the court maintains its own list of receivers and in that case the administrator would not recommend the receiver.
3. Training receivers: The program administrator provides training for receivers.
4. Administer loan program(s): Administrator creates and then oversees a rehabilitation loan program(s) for receivers. The program administrator arranges for funding for receivership loans through either the city's CDBG program or through MHIC's Neighborhood Stabilization Loan Fund or other sources. Loan documentation includes an assignment of the Priority Lien to the lender.
5. Maintain records: Program administrator maintains records and provides full accounting as a public record. All court records of the receivership are also public records.

To date efforts are well underway in the cities of Springfield and Worcester, with HAP, Inc. and Worcester Community Housing Resources, Inc. as the respective program administrators. Both of these non-profits are working with city and court officials as well as receivers to provide technical and financial support for receiverships. The City of New Bedford is exploring a slightly different model and expects to bring on a staff person to assist with the coordination of the city's efforts to use receivership to deal with abandoned and foreclosed properties.

**Housing, District or Superior Court: Guides, oversees receivership process**

Massachusetts has five housing courts, the Western, Worcester, Northeast, Boston and Southeast courts whose jurisdiction covers all but 12 NSP communities in the Commonwealth (See map, Tab 5). The housing court is typically staffed by one or two judges, legal clerks, and housing specialists. The court has jurisdiction of the use of any real property and activities conducted thereon as such use affects the health, welfare, and safety of any resident, occupant, user or member of the general public and which is subject to regulation by local cities and towns under the state building code, state specialized codes, state sanitary code, and other applicable statutes and ordinances. If your jurisdiction is not covered by a housing court, petitions for the enforcement of the State Sanitary code and the appointment of a receiver can be heard in district or superior court.

A good relationship between the municipality, receiver, and the court is vital to a successful receivership. The municipality will either come to court to file for receivership with a potential receiver that they are requesting to be appointed or the court will appoint a receiver from a list of pre-approved receivers.

The court will review the petition and make a determination as to whether there is sufficient cause to appoint a receiver. A typical order from the court will include information about:

- The property
- Parties involved
- Procedural posture
- Description and condition of the premises
- Appointed receiver
- Authority and duties of receiver
- Rental payments and evictions of tenants
- Bond and inventory
- Claims against receiver
- Liability and agency
- Right to resign
- Priority liens and mortgages
- Notice to creditors
- Sale of the property
- Duties of the respondent
- Further court orders
- Review by court
- Effective date

Once the court approves the receivership, the court will oversee any subsequent dealings the municipality has with the receiver. The receiver presents a preliminary budget to the court and the court approves or disapproves this budget. As the receivership process continues, the court will approve any deviation from the original plan and approve increases in the receiver's budget.

Throughout the receivership process the housing court will:

- review and approve scope of work/contracts/agreements/periodic accountings/time lines/budgets;
- schedule status conferences and insure access/contact with receiver;
- provide conflict resolution, direction for receiver;
- issue implementing, supplementary, directive and clarifying orders;
- approve extraordinary or substantial expenses before incurred;
- determine complaints for contempt.

At the end of the receivership the court will supervise a sale of the property to satisfy the receiver's lien. The court may also work with the receiver to impose financing conditions on purchasers at the court-supervised/order auction.

### **Receiver: Appointed to bring properties into compliance with sanitary code**

A receiver is appointed by the court to stand in place of a property owner that either unable to or refuses to care for his/her property. Receivers may be property management firms, construction companies, non-profits, lawyers or other responsible parties qualified by the court. The person appointed should have knowledge of landlord/tenant law, the local real-estate market, a relationship with the local inspectional services or board of health, experience with construction/contracting/bidding, and experience finding financing for construction jobs. The receiver should be able to work and coordinate with contractors, owners, tenants, architects/ engineers and abutters of the property in receivership.

The receiver is responsible for promptly repairing the property thus bringing it into compliance with the state sanitary code. The receiver has the power to collect rents if the building is occupied as well as to borrow funds to make the necessary improvements. The receivers should also attempt to regularize tenancy, if there is any, by means of a month-to-month occupancy agreement.

In order to finance the receivership, the receiver may grant security interests or liens on the affected property. The receiver's lien has priority over all other liens or mortgages except municipal liens; a priority lien may be assigned to lenders for the purpose of securing loans for repair, operation, maintenance or management of the property. Ideally, a property owner will step back in to take control of the building, but in the absence of a responsive owner the receiver can foreclose on the property to collect any outstanding debts.

In order to complete the necessary work required to bring the property up to code the receiver is responsible for sending out a bid for contractors. The receiver must put together a scope of services to a number of construction companies and choose the contractor that will do the best job for the most reasonable price. The receiver must also set a reasonable completion date for the scope of work and manage the construction team in order to maintain that deadline. The receiver must remain in

contact with the housing court throughout the receivership, filing for court approval of accounting of income and submitting expenditure reports on a bimonthly basis. The court must also approve any changes to the rehabilitation plan or any budget deviations from the original work scope.

**A good relationship between the municipality, receiver, and the court is vital to a successful receivership.**

# Step-By-Step Guide of putting a property into receivership

1.

## Identify Problematic Building by Inspection

- a. The process is triggered by the Board of Health or department of Inspectional Services, which have jurisdiction over the State Sanitary Code, receiving complaints of sanitary code violations.
- b. The inspector completes the inspection of the property and writes up the inspection report as described in the State Sanitary Code.

2.

## Notice to the Owner

- a. Once the property has been inspected the municipality notifies the owner and attempts to get the owner to complete the required repairs to bring the property into compliance.
- b. In the absence of an adequate and timely response by the owner, the municipality will determine whether the property is a viable candidate for receivership if conditions are as noted:
  - Unresponsive Owners: The owners of record have been unresponsive to requests for repairs.
  - Emergency Repairs: Emergency or urgent repairs that endanger a tenant's occupancy have been ignored such as lack of heat or hot water.

3.

## Identify/Find a Receiver

- a. The receiver can be a local organization, individual, company (profit or non-profit) or group with ties to the community;
- b. Receiver should have some construction and/or property management experience;
- c. Receiver serves as General Contractor and oversees repairs to the property;
- d. Work with an intermediary such as a non-profit to identify a receiver.  
Note: Some housing courts maintain their own list of receivers.

4.

## File Motion/Petition with Court

### Initial steps:

- Seek enforcement of sanitary code and appointment of receiver by petitioning the court;
- Can be filed with housing court or local district or superior court.

### Include in motion:

- Parties involved in the action (Inspectional Services, Health Department, tenants);
- Choice of receiver and qualifications (unless court is working off a pre-approved list);
- Statement describing the inspection;
- List of code violations;
- Correspondence with owner;
- Chronology of events;
- Negative impacts of conditions on tenants and community;
- Attempts already made to remedy the situation.

**5. Send copy of petition to all mortgagees, lienors:** At least 14 days prior to any hearing by the court, the petitioner must send a copy of the petition by certified or registered mail to all mortgagees and lienors included in the owner’s list as well as to all other mortgagees and lienors of which the petitioner may be aware. The petition notifies all interested parties of the time and place of the hearing.

**6. Court Hearing and Determination:** The owner and any lien holders may present their case as to why receivership is not in the best interest of the property and tenants (if applicable). If a petitioner shows that violations of the sanitary code will not be promptly remedied unless a receiver is appointed and the court determines that such appointment is in the best interests of the occupants, the court appoints a receiver.

**7. Judge prepares Order of Receivership:** The judge issues an order of the petition to enforce the state sanitary code and appoints a receiver. The court’s petition details the identity of the receiver, the receiver’s roles and responsibilities, and the court’s ongoing role in the future receivership.

**8. The Order is recorded in the Registry of Deeds and the priority lien becomes effective.**

**9. Receiver Assumes Responsibility** for the property, borrows funds as needed, makes repairs, manages property, collects rents and maintains property in a “safe and healthful condition”.

**10. Court has ongoing role in receivership:** During the course of the receivership the receiver is responsible for providing bimonthly reports to the court for an accounting of all funds received by and owed to the receiver and all funds disbursed as well as any other reporting requirements mandated by the court.

**11. Termination of a receivership:** In general, a receivership may terminate in one of two ways; by means of a petition to the court to hold a supervised auction of the property or by the voluntary resignation of the receiver.

**a. Court-ordered auction/sale to satisfy receiver’s lien**

- Court approves request for a sale by auction;
- Court approves expenses by receiver to date as reasonable;
- Court may impose additional conditions on sale at discretion of the judge;
- Receiver advertises, hires auctioneer, and sells property;
- Final sale and final budget accounting must be approved by judge;
- Any surplus at sale goes to junior lien holders.

**b. Termination or receivership by resignation with no replacement—foreclosure of lien by receiver or lender *outside of receivership***

- Receiver has resigned by submitting notice to court;
- Receiver or Assignee (Lender) may foreclose on lien;
- Anyone may bid at auction;
- Final accounting must be approved by judge after auction before proceeds can be distributed;
- Interest, auction costs, and other foreclosure expenses may be included in sales proceeds.



# III. Funding & Program Design

# How to set up a receivership program

Communities have options in determining how to fix neglected properties

*(This content was compiled by Worcester Community Housing Resources, Inc., a non-profit organization that is the receivership program administrator for the City of Worcester.)*

Receivership programs can take many forms, from smaller court-driven programs to larger public-private-nonprofit collaborations. The size and scope of the foreclosed or abandoned properties in your community, the availability of funding and staff capacity all play a role in the design of a program appropriate for your community. The following content describes the various choices communities have in setting up, funding and operating a receivership program.

## 1. What type of program fits your community?

There are two basic types of approaches communities can use to set up a receivership program. They are:

**Program Administrator model:** Some communities are employing a “program administrator” receivership model in which there is a centralized entity providing work specification writing, lending, and construction monitoring services. The program administrator works in close partnership with inspectional services, the municipal legal department, and the housing court to:

- Evaluate the feasibility of each property;
- Estimate the cost of repairs needed to remediate code violations;
- Work with receivers to complete repairs in a timely and quality fashion.

Administrators can also serve as lenders, attracting and deploying loan capital in an expedited way. This model seems most appropriate for communities where there is a critical mass of foreclosed

multi-family properties and where a potential administrator is able to provide the lending, construction management, and coordination services outlined below.

A staffing guideline for this model is .5 full-time equivalent (FTE) of a rehabilitation specialist’s time (evaluating properties, writing work specifications, construction management, and data management) and .25 FTE of a loan officer’s time assuming review of approximately 25 properties/75 units and 10-15 loans per year.

**Public-Private Partnership model:** In communities where a program administrator model is not feasible, a public-private model may be more appropriate. Like the program

administrator model, municipal interdepartmental coordination is key, as is cultivating a pool of responsive and capable receivers.

Under this model, it is most likely that private firms—such as contractors, property managers, attorneys—would apply to the local housing court to be considered as receivers and would prepare their own cost estimates for approval by the court prior to commencing work. If a municipality has access to loan funds, criteria for establishing a loan program are provided below. If not, other communities have had success with finding receivers willing to use their own funds to complete

The keys to receivership success are coordination with city departments and the courts, and building a pool of capable receivers.

the repairs and request a foreclosure sale to the court. In this scenario, receivers typically would not focus on making vacant units rentable and would seek to exit as soon as possible to recoup costs.

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## 2. Financing for Receivers

One of the key roles within the program administrator model is the ability to access and deploy loan capital for those receivers who need it for the repair and initial stabilization phase of the receivership. Possible sources of capital include:

**Community Development Block Grant (CDBG):** CDBG funds can provide low- or no-interest lending capital for receivership loan programs. These federal funds are allocated by local municipalities and can be lent directly by the municipality to the receiver or granted into a third party loan fund, much like the program administrator model described above. The use of block grant funds for property rehabilitation comes with several federal requirements that may add additional costs. Several of these requirements are outlined on the next page in the construction management section. It is important that both the receiver and the program administrator are well-versed in these regulations.

**Massachusetts Housing Investment Corporation (MHIC):** MHIC offers revolving credit to qualified borrowers for the purposes of receivership lending. This funding is not federal and may be used in conjunction with other sources (such as CDBG) as well as in areas where block grant and/or other funds are not available. Interest rates vary based on established indices. To apply, contact MHIC at (617) 850-1040 or go to [www.mhic.com](http://www.mhic.com).

**Banks/Lines of Credit:** Accessing new or established lines of credit can be an effective way for receivers to fund construction costs. Many CDCs and private contractors have access to lines of credit with trusted lenders. You may be able to use lien assignments and/or other business assets as collateral to establish a line of credit, and nonprofit organizations may be able to negotiate lower interest rates and reduced closing costs as part of a lender's Community Reinvestment Act (CRA) program.

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## 3. Suggested lending guidelines

The appointing of a receiver can happen quickly, and receivers are expected to begin repair work immediately. Prior to appointment, receivers may need to know whether they are eligible to apply for and receive loan funding. Also, lenders will want to know about the applicant's experience, financial condition, and capacity prior to making any commitments. Answering these questions will help you avoid a long loan application process.

You may wish to design your receivership loan program so that it achieves two objectives:

- First, determine that receivers are fiscally solvent borrowers with experience in construction and property management;
- Second, develop a streamlined process for reviewing of individual property loan requests from receivers.

You can avoid delays by developing a pool of receivers who are solid borrowers.

Developing a pool of capable borrowers can significantly reduce the review of individual loan applications and can provide potential receivers with the assurance that funds will be available within established and transparent underwriting guidelines. Suggested criteria for evaluating and pre-qualifying receivers as borrowers includes:

- **Receiver is fiscally solvent:** Request that receivers provide two years of audited financials, business and/or

personal tax returns, and most recent financial statements. The application provided at the end of this chapter also requests at least one reference from a lending institution.

Lenders may wish to request a letter of assertion from the receiver that they will be able to cash flow properties for up to 30 days; this lets applicants know that there may be a multi-week turnaround on check disbursements and may help deter entities with little capacity to participate.

- **Construction & property management experience:** Potential receivers should be able to provide a list of relevant experience and whether their capacity to perform necessary functions is part of existing or new staff, or an activity they plan to outsource. For example, a highly skilled contractor may not have in-house property management but can provide a copy of a contract or agreement with an experienced property manager. Lenders may wish to provide a chart similar to the one below for applicants to complete:

Property Address	No. of Units	Project Role	Notes:
19 Main Street	6	Developer/Owner	ABC Inc. owns and manages this group housing home
32 Maple Street	14	Developer/Owner	ABC Inc. owns and manages this rooming house
55 Oak Avenue	3	Receiver	ABC Inc. appointed receiver
12 Elm Street	8	Receiver	ABC Inc. appointed receiver
47 Birch Street	6	Developer/Owner	ABC Inc. owns and manages these family apartments
5 Maple Street	8	Developer/Owner	ABC Inc. owns and manages these family apartments
28 Tree Street	12	Developer/Owner	ABC Inc. owns and manages these family apartments
2 Peach Street	22	Developer/Owner	ABC Inc. owns and manages this rooming house
866 Apple Street	16	Developer/Owner	ABC Inc. owns and manages this rooming house
<b>Total:</b>	<b>95</b>		

Applicants should provide at least four examples of projects of similar scope and size of receivership properties in addition to requesting resumes and/or bios on all relevant staff.

- **Experience with government-funded programs:** If your program is likely to use CDBG funds and/or other public funds, it is important that potential receivers have some familiarity with any regulatory conditions attached to the funding. Lenders may wish to require that potential receivers provide a statement of experience with federal regulations pertaining to conducting CDBG-funded activities, in complying with the requirements of the Uniform Relocation Act, and in complying with the requirements of Affirmative Action/Equal Housing Opportunity in the marketing and rental of housing units. To be pre-qualified for selected projects where the provisions of the Davis Bacon Act may apply (generally those over eight units), candidates should submit a statement of experience in this area as well.

The pre-qualification process can significantly reduce application review and approval and provides a framework for cultivating a pool of the most qualified and committed receivers.

#### 4. Loan Terms and Conditions

The following suggested loan terms and guidelines were developed using Community Development Block Grant (CDBG) funding as the source of capital. Accessing other sources may allow for more or less flexible underwriting criteria.

Since the assignment of the priority lien serves as collateral for the loan, it is important that receivership lenders evaluate property values as realistically as possible to safeguard lien repayment. We suggest that loans do not exceed 50 percent of the loan to value (LTV) or 100 percent of the recoverable land value. You can require borrowers to insure LTVs that exceed these thresholds.

Loans should cover reasonable costs to repair the properties so that they meet code requirements set forth in the receivership orders issued by the housing court. Receivers may not be able to remediate all repairs as they would if they were the permanent owner/property manager. The maximum loan per unit should be what is required to address health and safety violations; we suggest that loans of up to \$15,000 per unit are most appropriate.

Property eligibility needs to be determined by the lender. Some programs require that funded properties must have been foreclosed or are in the process of foreclosure, and that the property is located within or in a neighborhood adjacent to a Neighborhood Revitalization Strategy Area (NRSA) or is applicable for remediation by definition of the slums and blight designation through the CDBG program.

Reasonable fees for services provided by the receiver and soft costs associated with the program should be eligible for receivership loan proceeds. We recommend that a 10 percent receivership fee be allowed in addition to covering reasonable legal fees, bonds (as determined by judge), liability insurance of at least \$1 million, and property taxes. Receivership fees should be paid upon completion of repairs. A sample construction budget is provided in the back of this section.

Applicants should demonstrate that property is able to cash flow after an interest deferral period of three to six months. A sample year one operating budget is included in the back of this section. Applicants can use up to 50 percent occupancy as income and should allow for a 10 percent management fee. Lenders may require that applicants provide a narrative describing a viable exit strategy that can be completed within 18 months of loan closing. Lenders may wish to reserve the right to request formal construction bids/proposals for larger items, and construction budgets should include adequate contingencies.

#### Recommended Loan Summary

<b>Loan Type:</b>	Interim construction financing for 1-8 unit residential properties facing foreclosure or have already been foreclosed
<b>Amount:</b>	Up to \$15,000 per unit
<b>Purpose:</b>	Neighborhood stabilization through property receivership repair lending
<b>Collateral:</b>	Priority Lien
<b>Repayment:</b>	Interest only due monthly after 3-6 month deferral period
<b>Term/Amortization:</b>	Principal deferred for term of loan; balloon payment of total principal and any outstanding interest due at 18 months
<b>Interest Rate:</b>	Expected to be between 3 percent and 7 percent depending on source of funds
<b>Commitment Fee:</b>	None
<b>Program Admin. Fee:</b>	5 percent
<b>Other Conditions:</b>	Must provide lender (and court) with quarterly updates; Borrower is responsible for lender legal fees

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## 5. Bidding and Procurement Requirements

During the code repair phase of receivership, the primary duty of the receiver is to protect the interests of the equity holders in the property, the tenants, and the community. This requires that the receiver abates violations of the Massachusetts State Sanitary Code and other hazards to the health and safety of the occupants, but that reasonable care and prudence be exercised in extinguishing these hazards. This demands quick response, but also includes a fiduciary responsibility to the equity holders in the property. In other words the receivers should not needlessly or frivolously expend money in the abatement of these conditions.

This prudence should be demonstrated to the court in the form of evidence showing that the repair costs incurred were reasonable. The best way to show this is through the procurement of bids or quotes for the work, with the work going to the lowest bidder. In some cases, the reasonableness may be shown through comparison of labor rates and times to the usual costs associated with such work. The receiver should, in all cases, be careful not to engage contractors or his/her/its own personnel at rates exceeding market rates for the type of work performed or for quantities of time that are not justified.

In procuring construction services, the receiver should follow prudent general business guidelines, varying these based on the extent of the work involved. Emergency repairs generally need not be bid, but should also follow rules of reasonable cost.

**“In bringing a property up to code, the primary duty of the receiver is to protect the interests of the equity holders, the tenants and the community.”**

Smaller jobs may be contracted on a time and materials basis at reasonable rates. Larger jobs should generally be bid out. It is advisable to avoid initial deposits in general, and large deposits in particular. Work should be paid on a percentage-of-completion basis, with a payment schedule suited to the individual work. The contractor should guarantee new work, and retainage may be used to ensure that work is complete and satisfactory.

Wage rates are a function of local market conditions, and typical rates for particular trades or skills may be obtained from the US Department of Labor Davis/Bacon compliance wage

web site, or from local analysis. It should be noted that Davis/Bacon compliance is only required if federal funds are used and the project is large enough to require compliance (generally eight or more units on a project using CDBG funds).

The operative word in this area is “reasonable”—paying a plumber \$75 per hour is generally considered “reasonable,” paying a maintenance worker \$100 is not. It is advisable to get cost justifications from some third party source when evaluating bids, making wage rate determinations, or assessing general market conditions.

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## 6. Compliance Requirements

As noted above, receiverships that use CDBG funds must comply with the Davis-Bacon wage rate provisions of the CDBG program. In these cases, the receiver should ensure that bids take this into consideration, and should monitor compliance through payroll reports from the contractor and on-site interviews and inspections. Buildings containing eight or more units (regardless of whether they are singly owned or individually owned as condominiums) must comply with Davis-Bacon provisions for residential structures. Buildings of more than four stories, regardless of the number of units, must comply with the Davis-Bacon requirements for other buildings.

7) Please provide three references (including at least one from a financial institution, and one general trade reference)

- a. Reference #1 \_\_\_\_\_  
Address: \_\_\_\_\_  
Contact # \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Nature of professional contact: \_\_\_\_\_
- b. Reference #2 \_\_\_\_\_  
Address: \_\_\_\_\_  
Contact # \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Nature of professional contact: \_\_\_\_\_
- c. Reference #3 \_\_\_\_\_  
Address: \_\_\_\_\_  
Contact # \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Nature of professional contact: \_\_\_\_\_

“One of the first duties of a receiver using federal funds is to send out a letter to all tenants assuring them that they will not be permanently relocated.”

Wage determinations for individual trades, by location, may be obtained from the Wage Determination On-Line website at [www.dol.gov](http://www.dol.gov). Receivers should note that the CDBG administrator is primarily responsible for compliance and monitoring, but the receiver should be familiar with the requirements and should provide necessary information to the jurisdiction and agency providing the funds.

Receiverships using CDBG or other federal funds are also subject to the requirements of the Uniform Relocation Act. This act, applicable to virtually all federal programs, provides a set of standards to ensure fair treatment of those who must be temporarily or permanently relocated as a result of federal

funding. While permanent relocation of tenants is rarely anticipated in receivership programs (one of the goals of which is to preserve existing tenancies) any temporary relocations for construction purposes must follow URA rules. One of the first duties of a receiver using federal funds is to send out a letter to all tenants assuring them that they will not be permanently relocated. Sample letters and compliance requirements may be found at [www.hud.gov](http://www.hud.gov). Search for the HUD Communities and Development website section dealing with URA requirements.

Receivers are acting in the place of the owner or landlord, and must comply with all Massachusetts laws governing tenant-landlord relations, including due process, notice, and other regulations. Receivers are encouraged to familiarize themselves with these laws through one of the many guidebooks available through non-profit agencies, such as Central Massachusetts Housing Alliance at [www.cmhaonline.org](http://www.cmhaonline.org).

Compliance for the receiver acting in lieu of the landlord requires compliance with any existing rental agreements or leases, including Section 8 or Massachusetts Rental Voucher Program leases. Where there is no lease in place, or where vacant units are leased up, it is generally a good idea to utilize a simple month-to-month occupancy agreement. The obligation to protect the owner's interests extends beyond collection of rents and maintenance of the units to undertaking summary process evictions for tenants who do not pay their rent or violate other use and occupancy requirements.

Rents are normally set at the levels tenants were paying prior to the receivership. Rent changes upward or downward may be made if the stated rent obligations are unreasonable and there is no lease or occupancy agreement prohibiting such changes, but court approval should be sought for any changes. Experience has been that the court will frown on any receiver not exercising due diligence in collecting rents due, including summary process eviction if rents are delinquent.

## 7. Lead paint compliance

Lead Paint laws differ on the state and federal levels, and apply to the receiver. However it is important to remember that under the state receivership statute the receiver's legal liability is limited to the extent of the assets of the receivership and the receiver is under no obligation to fund extensive lead paint abatement if the receivership's assets are insufficient to do so. Any work done using federal funds must comply with federal lead-safe work practices and CDBG guidance—which entail risk assessment on all projects where the CDBG investment exceeds \$5,000 per unit. Receivers should remember that federal lead paint standards require abatement to the federal standard but apply to all units regardless of occupancy. State law requires a slightly more stringent level of abatement on all units occupied by children under six. Receivers and lenders may wish to seek legal counsel on developing and managing this aspect of their program. Go to the HUD web

site for lead paint evaluation and control guidelines. The Commonwealth of Massachusetts' web site also has its own guidelines for lead paint.

The strategy for lead paint hazard control within receivership is an evolving effort. In general, it should be possible to at least establish interim controls (good for up to 24 months) within the scope of most receiverships, and full abatement where public funds are available.

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## **8. Post-Closing Compliance**

Once the receivership is established, the receiver is responsible to the court for representing the interests of all parties involved—owner, lender(s), tenants, and the community. This responsibility can best be exercised by reporting regularly to the court, and seeking approval for actions that go beyond the extent of the receiver's mandate.

As time passes, the receiver may increase their lien on the property if the net difference between funds received and funds expended increases. This lien will need to be "proved" before the judge before it is paid off, but adding additional subsequent liens or amending the original lien will serve notice of the increased investment and protect the receiver. Whether you add additional liens or amend the original lien depends largely upon the opinions of individual attorneys.

The receiver is also required to file regular reports with the court that granted the receivership. These reports should include narrative information on the following major topics:

- Status of code compliance repairs;
- Status of rent collections and tenancies;
- Other repairs needed but not completed (and plans to address);
- Units vacated;
- Units re-rented.

A financial report should also accompany the narrative, including all income and expenditures for the property, including rents, funds borrowed, and expenses paid. This may be kept on any simple ledger system, including QuickBooks or similar software, or a simple written or electronic spreadsheet. The purpose is to present a breakdown of financial expenses for the judge's review, not to make detailed accounting entries. Backup for all expenditures should be kept, as it will be reviewed by the court at exit. Any operating surpluses collected and held by the receiver are owed to the legal owner/stakeholder(s). The receiver's responsibility is to all of the stakeholders—but the court supervises how well the receiver is exercising that responsibility.

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## **9. Exit Strategies**

The preferable and most definitive way to terminate a receivership is through the sale of the property by a court-ordered foreclosure sale. This method gives the best assurance that the property will be maintained in the future and will receive the rehabilitation it needs.

Under this method, the receiver or municipality petitions the court for termination through foreclosure sale. The petitioner may make specific requests to the court, which may or may not be granted, depending on the jurisdiction and the judge's interpretation of the statute. Past cases have seen imposition of bidder requirements such as:

- Demonstrating intent and capacity to perform additional repair/rehab work to an extent sufficient that bargain hunting property speculators are discouraged from bidding on it with the intent of "milking" the property;
- Provision of special financing, such as assistance to qualified first-time homebuyers, to give them an advantage in the purchase;
- Neighborhood or residency requirements, etc.

Each jurisdiction and each court will be different in the amount of flexibility it believes can be imposed in such foreclosure sale orders.

The process requires the receiver to file a request with documentation of their expenses to date and projected expenses through the proposed auction date. This is the phase where the court determines whether any self-serving, imprudent, or unnecessary expenditures were made, and may eliminate any such expenditures from the receiver's lien if they are unwarranted.

If all is in order, the court will order sale of the property to satisfy the receiver's lien, and the receiver will utilize attorneys and an auctioneer to provide notice and conduct the auction sale. Any pre-qualifications set by the judge for bidders must be included in the notice of sale.

**“The best way for a receivership to end is through the sale of the property through a court-ordered foreclosure sale.”**

At the sale, the receiver may bid on the property—just as a bank may bid at its foreclosure auction. The key factor is that the receiver must avoid the perception that the auction is “rigged” or the deck stacked in the receiver's favor as the preferred bidder. The receiver must always act in awareness of its fiduciary responsibilities to others, and not, for example, request the court to declare bidder qualification pre-conditions that only the receiver itself could meet. The receiver is by no means prohibited from bidding on the property, but must compete on a fair and equal basis with other potential buyers.

Following the auction, the receiver submits their final records to the court and the court supervises the distribution of proceeds from the auction and the transfer of title. Any surplus above the receiver's lien and expenses is distributed among the equity holders on the basis of seniority (or, occasionally, on the basis of other rulings from bankruptcy courts or other courts of equity).

In many cases, the receivership order will specifically recognize the receiver's right to unilaterally resign with some notice to the court. If the court is unable to find a replacement receiver, willing to pay off the first receiver's lien and assume the lien and receivership, a foreclosure and sale of the lien outside of court supervision is legally possible. If there is no currently active receiver, the court's ability to supervise the sale is more restricted.

In such cases, the receiver, or the lender assigned the receiver's lien as collateral for a loan, may act to foreclose on the lien to satisfy the debt. Such cases seem rare in Massachusetts history, but in theory the court's jurisdiction would be limited to approving the expenses and disbursing the proceeds—not in setting pre-conditions or qualifications for bidders on the sale.

Using municipal tax liens to “jump” the receiver's lien outside of a court-supervised sale, enables the city to set conditions on the sale even if the court is unwilling to do so. This method has been used successfully in New Bedford to ensure that rehabilitated properties do not fall back into disrepair or “slumlord” ownership, but should be discussed with the receiver's attorney, municipal law department or attorney, and the local court in advance of any foreclosure actions.

# Sample Documents

## Sample: Development Budget

### Example: 26 King Street, Worcester, MA 01609

Sources: Construction	Total	Rate	Term	Status/Comments
Neighborhood Stabilization Fund	\$39,181	7.25%	18 mos.	
<b>Total Construction Sources: \$39,181</b>				
Sources: Permanent	Total	Rate	Term	Status/Comments
Lien Foreclosure/Sale	\$39,181			
<b>Total Permanent Sources: \$39,181</b>				
Uses: Construct./Perm.	Total	\$ per unit	Comments	
<b>Acquisition Cost:</b>	\$			
<b>Construction/Rehab:</b>				
Rehab Cost	22,955			
Contingency (min. 15%) – 20%	4,591			
<b>Subtotal Construction:</b>	<b>27,546</b>			
<b>Soft Costs:</b>				
Architect & Engineering	0			
Permits	0			
Construction Manager/Clerk (5%)	1,377			
Environmental Engineer	0			
Legal	3,500		Includes legal costs of lender	
Title & Recording	0			
Account & Cost Certification	0			
Marketing & Rent Up	0			
Real Estate Taxes	0			
Insurance	1,500			
Maintenance & Utilities	0			
Relocation	0			
Appraisal/Brokers Price Opinion	0			
Security	0			
Predev./Construction Loan Interest	0			
Construction Financing Fee	1,866		5% of all other items due to WCHR	
Permanent Financing Fees	0			
Other: Court Ordered Bond	500		Required by court order	
Other:	0			
Capitalized Reserves	0			
Developer Overhead	0			
Developer Fee (Receiver's Fee – 10%)	2,892		Receiver's Fee calculated as 10% of total construction and soft costs	
Soft Cost Contingency	0			
<b>Subtotal Soft Costs:</b>	<b>\$11,635</b>			
<b>Total Uses:</b>	<b>\$39,181</b>			

# Sample: Year One Operating Income/Expenses

Operating Income	Amount	Notes
Gross rental income	\$50,400	\$700/unit
Start-up vacancy loss/Receivership properties	(6,300)	50% rent stream for 3 months
Less vacancy/collection loss: 10%	(3,780)	10% after full occupancy
Other income (laundry, parking, etc.)	\$ –	—
<b>Net rental income</b>	<b>\$40,320</b>	
<b>Operating Expenses: Administrative</b>		
Management fee	\$4,032	10%
Administrative payroll, taxes & benefits	\$1,200	
Legal	\$600	
Audit	\$300	
Marketing	\$ –	
Telephone & office supplies	\$ –	
Account & data processing	\$ –	
Other:	\$ –	
<b>Subtotal: Administrative</b>	<b>\$6,132</b>	
<b>Operating Expenses: Maintenance</b>		
Maintenance payroll, taxes & benefits	\$2,300	
Janitorial services	\$ –	included in Payroll above
Landscaping	\$ –	included in Repairs below
Decorating (interior only)	\$800	Turnover expense
Repairs (interior & exterior)	\$2,800	
Trash & snow removal	\$1,200	
Extermination	\$600	
Other:		
<b>Subtotal: Maintenance</b>	<b>\$7,700</b>	
<b>Operating Expenses: Utilities</b>		
Electricity	\$600	
Natural gas	\$ –	
Heat	\$ –	
Water & sewer	\$1,650	
<b>Subtotal: Utilities</b>	<b>\$2,250</b>	
Security	\$ –	
Taxes	\$4,572	
Insurance	\$2,000	
Replacement reserve	\$3,000	\$500/unit
Operating reserve	\$ –	
<b>Total operating expenses:</b>	<b>\$25,654</b>	
Net operating income	\$14,666	\$500/unit
Debt service	\$2,130	3 month deferral
<b>Net cash flow</b>	<b>\$12,536</b>	

# PRE-QUALIFICATION FORM RECEIVERSHIP PROGRAM

## PART I: APPLICANT INFORMATION

Organization Name \_\_\_\_\_

Address \_\_\_\_\_

Contact person and title \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

Fax \_\_\_\_\_ Year organized \_\_\_\_\_

## PART II: QUALIFICATIONS

- 1) Please attach two years of financial statements and/or tax returns for the organization, the individual or any principals of the organization to be involved in the project.
- 2) Please attach an outline of property management / maintenance experience, including number of units, time period, and subsidy or other governmental programs involved.
- 3) Please attach a letter on letterhead asserting that the applicant has the ability to cash flow potential projects for a minimum of 60 days pending closing of financing for receivership.
- 4) Please attach resumes for all staff to be involved in management and repair of the buildings, or a list of subcontractors to provide such services if they are to be subcontracted. Note that receivers are not necessarily required to use these particular contractors – the intent is to demonstrate that the potential receiver has either employees or relationships with contractors needed to accomplish the goals of the receivership.
- 5) Please answer the following and provide any additional explanatory information on a separate sheet or on the back of this page:
  - (a) In the past ten years, have you had a claim made against you or enforcement action filed against you by a municipality or government organization for failure to comply with any municipal, state, or federal law pertaining to construction, the environment, health, or safety?  
\_\_\_\_\_ Yes                  \_\_\_\_\_ No  
  
If yes, please explain.
  - (b) In the past ten years, has any employee, agent, or affiliate of yours had a claim made or been a party to an enforcement action by a municipality or government organization for failure to comply with any municipal, state, or federal law pertaining to construction, the environment, health or safety?  
\_\_\_\_\_ Yes                  \_\_\_\_\_ No  
  
If yes, please explain.
- 6) This program may require compliance with federal regulations pertaining to conducting CDBG-funded activities, in complying with the requirements of the Uniform Relocation Act, and in complying with the requirements of Affirmative Action / Equal Housing Opportunity in the marketing and rental of housing units. To be pre-qualified for selected projects where the provisions of the Davis Bacon Act may apply (generally those over 8 units), candidates should submit a statement of experience in this area as well. Please attach a statement giving your experience in all of these applicable areas.



## IV. Community Profiles

# How a Worcester building went from condo to foreclosure to receivership

*(This content was compiled by Worcester Community Housing Resources, Inc., a non-profit organization that is the receivership program administrator for the City of Worcester.)*

**Condo Gone Bad**— This eight-unit property off Main Street in Worcester was converted from rental to condominium units in 2006 and soon was plagued by foreclosure. Receivership was necessary to stop the property from falling into total disrepair.



**Worcester**—The story of 12-14 Lagrange Street is an all too-typical tale of how a property can go downhill and threaten to drag the neighborhood down with it. It's also an instructive example of the challenges and benefits of using receivership to stabilize abandoned and foreclosed properties.

This eight-unit modular construction property was built in 1986. Situated in a lower-income neighborhood off Main Street, it featured small, inexpensive two-bedroom apartments. Construction quality was poor and by 2006, the building needed many improvements.

Despite its condition, the building was able to attract buyers, given the hot real estate market. In 2006 the building was purchased for \$400,000 by a local developer who immediately converted the property into condominiums. Within less than six months, all eight units were sold for around \$200,000 apiece.

## **From condominium to foreclosure**

Most of the individual buyers purchased their units with so-called Alt-A loans, which don't require income and asset verification. Despite evidence that the original mortgages stipulated that owners occupy their units, virtually all of the units were rented out. Within six months, most loans were approaching foreclosure and tenants began complaining to the city's housing enforcement division about unsafe and unhealthy conditions. Many of the complaints centered on the building's common areas, which would have required action by the building's condominium association, if one ever existed. There is no evidence that the association ever met, assessed fees, paid any common expenses or did any capital improvements.

Nearby residents worried that this growing blight might spill over into the neighborhood, which included a subsidized family rental project, market-rate rental housing, commercial properties, vacant land, lodging houses, and several owner-occupied homes. The City of Worcester took notice and made this property a priority. The city law department, department of neighborhoods and housing, and code enforcement partnered with Worcester Community Housing Resources, Inc. (WCHR) to evaluate whether the eight condominiums could be placed in receivership.

### Receiver stabilizes property

Initial review by Worcester Community Housing Resources, Inc. indicated that \$100,000 would be needed to eliminate code violations and make five units habitable. The site posed other unique challenges, including compliance with building codes in the construction of new porches and exits, as well as compliance with Davis-Bacon wage rules due to the number of units.

WCHR was appointed receiver by the housing court in April, 2008. Construction began soon thereafter, following consultations with the building code enforcement division. By July, 2008, work was done on exits, alarm and detection systems, common electrical systems, siding, and porches. Since then, additional work was done to rent the rehabbed units, and three units are occupied as of April 2009. WCHR is preparing a petition to the court asking for a sale by foreclosure auction, with stipulations that the buyer purchase all eight units and bring all eight units into compliance.

### Lessons learned

- Receivership with condominiums is difficult. Dozens of lenders have contacted the receiver, causing great interference.
- The initial budget was insufficient to get a majority of units into habitable condition.
- The critical mass for financial self-sufficiency on a building with these basic characteristics (tenant paid utilities, no debt service, common space areas) seems to be about three out of eight units. Beyond that, operating costs cannot be covered.
- Cooperation with the building code department is critical when building permits are needed.
- Flexibility in deciding what to include in the permitted work and what can be saved for later is important, and the receiver should thoroughly understand the building inspector's interpretation of code before undertaking the receivership.
- Direct municipal loans (in this case CDBG loans) are time consuming, and since prompt payment of contractors helps get quick and efficient work, an intermediary lender is helpful.

<b>Construction costs: 12-14 Lagrange Street</b>	
Services	Cost
<b>Construction/Porches</b>	<b>\$45,656</b>
<b>Construction/Electrical</b>	<b>\$3,115</b>
<b>Construction/Other</b>	<b>\$1,485</b>
<b>Legal/Professional services</b>	<b>\$4,215</b>
<b>Total</b>	<b>\$54,471</b>
<b>Construction cost per unit</b>	<b>\$6,809</b>

# Chelsea Restoration Corp.

illustrates how receivership program can work



**Chelsea**—This small city of 33,000 just north of Boston is a good place to look if you want to get a sense of how receivership can be used to address neglected properties and stabilize neighborhoods. For more than 30 years, the non-profit Chelsea Restoration Corporation (CRC) has worked, as a receiver, in concert with the city and the local housing court to fix over 65 abandoned and foreclosed properties.

“Receivership is not for sissies,” said Helen Zucco, CRC’s executive director. “There are lots of decisions to make and you have to have good relationships with inspectional services and the housing court to get things done.”

One of the latest examples of CRC’s expertise is a single-family home on Arlington Street. How it came to be fixed and put on the market for sale illustrates how receivership can be used to address neglected properties.

The property, came to the attention of the city in 2007 when personnel from inspectional services noticed the home had fallen into disrepair and was unoccupied. City officials checked on the property and found it was owned by an elderly couple that had moved into a nursing home. They also discovered that the property owed \$500,000 in a tax lien to the city.

## Property not in compliance with sanitary code

Code inspection then attempted to contact family members of the property owners and learned that they were not financially able to support the property with all of the repairs needed to bring it into compliance with state sanitary code. Code enforcement then contacted CRC’s Helen Zucco and

## Receivership timeline

- **June 20, 2007** ..... Housing court appoints Chelsea Restoration Corporation (CRC) as receiver after city inspectors find home in violation of state sanitary code.
- **June 26, 2007** ..... Home inspector issues report on repairs needed and CRC seeks contractors to bid on work.
- **July 9, 2007** ..... Open house held so contractors can view property.
- **August, 2007** ..... Initial site cleanup done through Suffolk County Sherriff's community works program.
- **September, 2007** .. Contractor selected and work begins.
- **September, 2008** .. Lottery held to sell property to first-time homebuyer.

asked if she would be interested in reviewing the property for receivership. Zucco agreed to review the property and determined it could be brought back up to code so that it could eventually be used by another family.

The City of Chelsea went to court to file an order to appoint a receiver to the property, and suggested that Zucco was qualified to act as receiver for the property. The court agreed and on June 20, 2007, Zucco was appointed receiver of the property.

Quickly, Zucco had a registered home inspector create a list of improvements that needed to be made to the property. From the inspector's report, issued six days after housing court appointed Zucco receiver, Zucco was able to create a bid notice and mail it to 11 general contractors who might be interested in taking on the job, which included plumbing, roof repair and lead paint removal. On July 9, 2007, the home inspector held a walk-through of the property for five contractors.

### Contractor bids lead to project budget

With the contractors bids in, Ms. Zucco was able to create a sources and uses budget. The total amount estimated to complete the project was \$236,593.74. Of that budget, a little over \$163,000 was designated for construction costs. The two other large costs were over \$17,000 for back taxes and code inspection violation fees and over \$10,000 for the removal of a lead water pipe.

To prepare the site for construction work, CRC needed to have debris removed from the property and arranged to have this done by inmates through the Suffolk County Sherriff's community works program. Zucco said she has often used this program to do initial cleanup of distressed properties. By September 9, 2007, trash and debris had been removed and contractors began the gut renovation of the property.

### Affordable opportunity for first-time homebuyer

The financing in this project came from several sources. CRC received \$91,500 in construction funding from the City of Chelsea and further financing from Chelsea Provident Cooperative Bank, a frequent lender to Zucco for other receivership projects. The project also received \$70,000 in federal funds from the North Suburban Consortium, which was used to buy down the purchase price so that the home could be sold at an affordable price to a first-time homebuyer below 80 percent of area median income.

The property went to auction in the summer of 2008, and Chelsea Restoration Corporation ended up purchasing the property. They were able to sell the house for \$161,000 to a first-time homebuyer who had been through CRC's first-time homebuyer training program. The house will remain affordable at 80 percent of area median income in perpetuity.



# Affordable Housing Lottery Single Family Home

253 Arlington Street  
Chelsea, MA 02150  
3 Bedrooms

Sales Price: \$161,000\*

- ▣ New Plumbing
- ▣ New Heating
- ▣ New Electrical
- ▣ Gas Heat
- ▣ New Windows
- ▣ De-Leaded
- ▣ Two Full Baths
- ▣ Wall to Wall Carpet
- ▣ New Roof
- ▣ Storage
- ▣ Gas Stove
- ▣ W/D Hook Ups
- ▣ Dining Room
- ▣ Refrigerator
- ▣ Dishwasher
- ▣ Energy Efficient Appliances

### Open House

Sun., Aug. 24th, 2008 from 1:00 - 3:30 p.m. (at 253 Arlington St.)

### Informational Meeting

Tues., Aug. 26th, 2008 @ 6:00 p.m. (at CRC office)

### Lottery Drawing

Wed., Sept. 3rd, 2008 @ 6:00 p.m. (at CRC office)

Income Limit  
80 % HUD Median

- 1. \$46,300
- 2. \$52,950
- 3. \$59,550
- 4. \$66,150
- 5. \$71,450
- 6. \$76,750
- 7. \$82,050
- 8. \$87,350

*For additional information contact:*

## Chelsea Restoration Corporation

154 Pearl Street, Office #2, Chelsea, MA 02150  
617-889-2277 Fax: 617-887-0611

[www.Chelsearestoration.org](http://www.Chelsearestoration.org)

\*Affordable housing restrictions apply.



# Receivership in Action

The Chelsea Restoration Corporation has been successful working in concert with the City of Chelsea, and the local courts. Here's a typical chain of events:

- 1. Neglected building identified:** Neighbors/tenants complain about state of property and/or inspectional services drives by property. Depending on the state of disrepair, inspectional services will then determine if the property would be a good candidate for receivership.
- 2. City makes the call:** The community development office/inspectional services or legal department will call Chelsea Restoration Corporation (CRC) and inform them about the property to be reviewed for receivership.
- 3. Building history check:** CRC is made aware of any taxes or liens owed for the property as well as code violations. All liens need to be paid off at the closing of the property.
- 4. Go to court:** CRC goes to court with City of Chelsea/ Inspectional Services to request that a receiver be appointed.
- 5. Potential receiver:** CRC is presented as potential receiver. CRC will testify why they would be a good receiver for this particular property.
- 6. Building evaluated:** CRC hires a licensed home inspector specialist to do potential work write-up.
- 7. Finding contractors:** Scope of services is put out to 5-10 construction companies.
- 8. Open house:** Specialist conducts open house with work write-up so that construction companies can see the scope of repairs that are needed. CRC waits for the bids to come in and selects the contractor with the best bid.
- 9. Figuring out funding:** In the meantime, funding must be figured out from all different sources.  
Examples of funding sources are:
  - City of Chelsea → short-term construction loan
  - Local bank → mortgage
  - North Suburban Consortium → buy-down money
- 10. Do a budget:** CRC creates "sources and uses" budget
  - It is very important to add "contingency" into budget because it is possible that something will happen that no one is expecting and extra money will be needed.
- 11. Work begins:** Construction/rehabilitation of property is ongoing. Time periods will vary from project to project.
- 12. Keeping the court updated:** Through their attorney, CRC sends accounting reports to the court as everything is occurring.

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**13. Disposing of the property, Part I:** When all work is done, the family or heirs are given the chance to buy back the property, repaying the first priority lien CRC has taken out as well as any back taxes/code violation fees.

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**14. Disposing of the Property, Part II:** If original owners do not respond, a public auction is held. At this point, anyone can buy the property for the back taxes and how much CRC put into the rehabilitation.

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**15. If no one buys it:** If there are no other bidders, CRC will bid for the property and purchase it. CRC can then make the property affordable in perpetuity at 80 percent of area median income and sell it to a first-time homebuyer who has gone through their first-time homebuyer counseling.

# V. Reference Material

# Frequently Asked Questions

## How communities can use receivership to stabilize abandoned & foreclosed properties



### **What is receivership?**

- A.** The use of statutory power as authorized in M.G.L. Chapter 111, Section 127I, to seize buildings to ensure enforcement of the state sanitary code. The law provides for the property to be placed under the control of a judicially supervised receiver who has the power to collect rents, make repairs, and borrow money when necessary.



### **What are the receiver's responsibilities and powers?**

- A.** The receiver is responsible for promptly repairing the property to bring it into compliance with the state sanitary code. The receiver has the power to collect rents if the building is occupied and borrow funds to make necessary improvements. The receiver can grant security interests or liens on the affected property. The receiver's lien has priority over all other liens or mortgages except municipal liens; a priority lien may be assigned to lenders for the purpose of securing loans for repair, operation, maintenance or property management.



### **How does the process work?**

- A.** In a typical scenario the Board of Health, working in conjunction with the municipality's law department, petitions the housing court for the appointment of a receiver after having exhausted all other remedies to secure a property's compliance with health and safety codes. If the court deems the municipality's request valid, it then appoints a receiver to step in to stabilize and manage the distressed property. The receiver arranges for repairs and management of the property and funds this through rents or borrowing using the priority lien. Receivers may be property management firms, CDCs, lawyers or other responsible parties qualified by the court. Ideally, a property owner steps back in to take control of the building but in the absence of a responsive owner, the receiver can foreclose on the property to collect outstanding debts.



### **What type of assistance is available through the Attorney General's office?**

- A.** The Attorney General's office has designated assistant attorney generals (AAGs) to assist the 39 Neighborhood Stabilization Program (NSP) communities in addressing problem properties that fit the NSP definition of abandoned or foreclosed (see next page). The AAGs will be working directly with local officials to identify problem properties and to secure the owner's cooperation in correcting any sanitary code violations. If and when necessary, the AAGs will petition the court to secure the appointment of a receiver.



### **Why is receivership such an important tool?**

- A.** Receivership can expedite a community's intervention when a property poses a hazard because it has been abandoned and/or when tenants are at risk. Ideally it is part of a municipality's overall housing strategy and used only when all other efforts to secure the owner's cooperation have failed.



### What assistance is available to communities for receivership efforts?

**A.** In addition to the assistance that is being provided to the NSP communities by the Attorney General's office, MHP can provide technical assistance to communities that are interested in promoting receivership as a tool to address the problems of foreclosure and abandonment.



### What types of funds are available to receivers to finance the property improvements?

**A.** Resources for receivers come from a variety of sources including private lenders, the receiver's own funds, and public funding such as Community Development Block Grant funds (CDBG). The Massachusetts Housing Investment Corporation (MHIC) and Boston Community Capital (BCC) are two other potential sources of funding for receivers.



### What is the NSP definition of "abandoned" or "foreclosed."

**A.** NSP defines these terms as follows:

- **Abandoned.** A home is abandoned when mortgage or tax foreclosure proceedings have been initiated, no mortgage or tax payments have been made by the owner for at least 90 days, and the property has been vacant for at least 90 days.
- **Foreclosed.** A property "has been foreclosed" at the point that the mortgage or tax foreclosure is complete. HUD generally will not consider a foreclosure to be complete until after the title for the property has been transferred from the former homeowner under some type of foreclosure proceeding or transfer in lieu of foreclosure, in accordance with state or local law.



### Where can I go to find more information?

**A.** As always, if you have any questions about how to fund your receivership program or how to start the receivership process, please contact MHP's Rita Farrell at [rfarrell@mhp.net](mailto:rfarrell@mhp.net).

# Glossary of receivership terms

## **Abandoned (Neighborhood Stabilization Program definition)**

A home is abandoned when mortgage or tax foreclosure proceedings have been initiated for that property, no mortgage or tax payments have been made by the property owner for at least 90 days, AND the property has been vacant for at least 90 days.

## **Board of Health**

Under Massachusetts General Laws, state and local regulations and community direction, Boards of Health are held responsible for disease prevention and control, and health and environmental protection and promoting a healthy community. Boards of Health serve as the local arm of both the Mass. Department of Public Health and the Mass. Department of Environmental Protection. To fulfill their duties, they develop, implement and enforce health policies, oversee inspections to maintain minimum standards for sanitation in housing and food service, and assure that the basic health needs of their community are being met.

## **Boston Community Capital (BCC)**

Boston Community Capital is a community development financial intermediary whose mission is to create and preserve healthy communities where low-income people live and work. BCC invests in projects that provide affordable housing, good jobs, needed goods and services and new opportunities for people who have been locked out of the economic mainstream.

## **“Clean and Lien”**

This is a tactic used by municipalities to bring a property up to code and can be used when the appointment of a receiver would not be a viable option. The municipality will clean and bring the property up to code and then place a lien on the property after an owner fails to respond to a violation order.

## **Common Law Nuisance**

A strategy to address an abandoned or distressed property. The process of receivership can start by claiming a vacant or abandoned property is a nuisance by compiling police reports that document police calls to the property; inspectional service reports that document minimum housing; state sanitary code, building code violations, and efforts to bring the property into compliance; assessors records that show the assessed value of the specific property; tax title records documenting past due real estate taxes; and any other municipal records that show the negative impact of the property on the neighborhood.

## **Community Development Block Grant (CDBG)**

The Community Development Block Grant (CDBG) program is a federal program that provides communities with resources to address a wide range of unique community development needs. HUD provides funding either directly to municipalities or through the Mass. Department of Housing and Community Development.

## **Community Preservation Act (CPA)**

The Community Preservation Act Enabling Legislation (Chapter 267 of the Acts of 2000) gives communities the option to establish a Community Preservation Fund to preserve open space, historic resources and community housing, by imposing a surcharge of up to 3% on local property

taxes. The state provides matching funds from its own Community Preservation Trust Fund which is generated by an increase in certain Registry of Deeds' fees.

### **Community Reinvestment Act (CRA)**

The Community Reinvestment Act (or CRA, Pub.L. 95-128, Title VIII, 91 Stat. 1147, 12 U.S.C. § 2901 et seq.) is a United States federal law designed to encourage commercial banks and savings associations to meet the needs of borrowers in all segments of their communities, including low- and moderate-income neighborhoods. Congress passed the Act in 1977 to reduce discriminatory credit practices against low-income neighborhoods, a practice known as redlining.

### **Court of Equity**

A Superior, District or Housing Court that can appoint a receiver to act in lieu of an owner.

### **Davis Bacon Compliance**

The Davis-Bacon Act of 1931 is a United States federal law which established the requirement for paying prevailing wages on public works projects. All federal government construction contracts, and most contracts for federally assisted construction over \$2,000, must include provisions for paying workers on-site no less than the locally prevailing wages and benefits paid on similar projects. Any rehabilitation done on a property placed under receivership must be in compliance with this act.

### **First Priority Lien**

A lien on property that is senior to every other lien except municipal liens. This is the type of lien that a receiver would take out to insure that they are compensated for the work they do on their appointed property.

### **Foreclosed (Neighborhood Stabilization Program definition)**

A property "has been foreclosed upon" at the point that, under state or local law, the mortgage or tax foreclosure is complete. HUD generally will not consider a foreclosure to be complete until after the title for the property has been transferred from the former homeowner under some type of foreclosure proceeding or transfer in lieu of foreclosure, in accordance with state or local law.

### **Housing Specialist—Housing Court**

The Housing Specialist Department gives procedural advice and quotes Massachusetts landlord-tenant law; provides support to presiding judges; conducts state sanitary code violation inspections for the court; and serves as mediators in Summary Process and Civil housing cases.

### **Housing Stabilization Fund**

The Housing Stabilization Fund (HSF) is a program available through DHCD to support comprehensive neighborhood redevelopment efforts and to help developers and municipalities acquire, preserve, and rehabilitate affordable housing. The state legislature placed a special emphasis on reusing foreclosed and distressed properties and on creating affordable homeownership opportunities.

### **Inspectional Services Department**

The health code enforcement agency that will inspect apartment living areas and common areas to give a report listing all the conditions that violate the state Sanitary Code.

### **Letters of Interim Control**

Interim Control is a way for property owners to correct urgent lead hazards in order to protect children from lead and comply with the Mass. Lead Law. It allows property owners a grace period of up to two years before they have to de-lead a home or apartment and come into full compliance with the law. The interim control stays with the property, not the owner, so special attention should be paid if a property has been under interim control in the past.

**Massachusetts Department of Housing and Community Development (DHCD)**

The Massachusetts Department of Housing and Community Development is the state's lead agency for housing and community development programs and policy. It oversees the state-funded public housing, administers rental assistance programs, provides funds for municipal assistance, and funds a variety of programs to stimulate the development of affordable housing. Until July 1996, DHCD was known as the Executive Office of Communities and Development. Prior to that, it was also called the Department of Community Affairs.

**Massachusetts Housing Court Department**

The Housing Court Department has jurisdiction over the use of any real property and activities conducted thereon as such use affects the health, welfare, and safety of any resident, occupant, user or member of the general public and which is subject to regulation by local cities and towns under the state building code, state specialized codes, state sanitary code, and other applicable statutes and ordinances.

**Massachusetts Housing Courts**

The Housing Court jurisdiction extends to almost all areas that relate to residential housing. There are many occasions where homeowners can utilize the Housing Court. For example, the Housing Court has zoning jurisdiction. The Housing Court can address general nuisance problems that may afflict homeowners within a neighborhood. The Housing Court Department has jurisdiction over the Consumer Protection statute. The Housing Court has criminal jurisdiction. The Housing Court also has jurisdiction to hear residential Summary Process (evictions) cases. In landlord-tenant matters, the court has jurisdiction over all contracts, torts, and equity matters that involve the residential relationship.

**Massachusetts Housing Investment Corporation (MHIC)**

A private, non-profit corporation which provides loans for affordable housing, equity funds for low-income housing tax credit (LIHTC) developments and loan guarantees for lead paint abatement loans. Created in 1991 by a consortium of banks, MHIC also administers a bridge financing program for tax credit projects in conjunction with the Massachusetts Housing Partnership.

**Massachusetts Housing Partnership (MHP)**

A quasi-public agency created by the state legislature in 1985 to support affordable housing and neighborhood development. It is funded by state-mandated contributions from interstate banks and has received state funds as well. It is governed by a seven-member board appointed by the Governor and the state's banking industry. MHP provides technical assistance and below-market financing and bridge loans for affordable rental housing, and runs the "Soft Second" program for first time homebuyers together with DHCD.

**Massachusetts State Lead Law**

The Lead Law requires the removal or covering of lead paint hazards in homes built before 1978 where any children under six years of age reside. Owners are responsible for complying with the law. This includes owners of rental property (excluding vacation property which has been properly exempted) as well as owners living in their own dwellings. Financial help is available through tax credits, grants, and loans. Owners of dwellings which will be rented to families with children under six years of age must have the units tested for the presence of lead. Landlords can be held liable for a lead-poisoned child.

**Neighborhood Revitalization Strategy Area (NRSA)**

Communities with HUD-approved NRSAs are offered enhanced flexibility in undertaking economic development, housing, and public service activities with their CDBG funds. This flexibility is designed to promote innovative programs in economically disadvantaged areas of the community.

**Neighborhood Stabilization Program (NSP)**

A part of the 2008 Housing and Economic Recovery Act (HERA), the NSP provides \$3.9 billion to state and local governments for dealing with foreclosed properties. This new program has expanded the boundaries of what local actors might be able to do to reclaim vacant and/or foreclosed properties. NSP funds have gone directly to four cities in Massachusetts: Boston, Springfield, Worcester, and Brockton. DHCD is also administering NSP funds.

**Order of Notice**

When a Petition to Enforce the State Sanitary Code is filed with the court, the clerk's office must issue an Order of Notice requiring the owner of the property to appear in court for a hearing at a designated date and time within 14 days and file an answer to the petition and include the names and addresses of any mortgages or lienors of record.

**Petition to Enforce the State Sanitary Code**

This may be applied for by the Attorney General's office or other interested party in order to request the appointment of a receiver from the housing, county, district or superior court. Upon filing for the petition, plaintiffs may request a temporary restraining order, preliminary and permanent injunctions, an order that the plaintiffs make payments to the clerk of courts, and/or the appointment of a receiver.

**Private Nuisance**

Conduct which substantially and unreasonably interferes with the use and enjoyment of another's property interests.

**Proposed Form of Order on the Petition to Enforce the State Sanitary Code**

Following a hearing on the plaintiffs petition to enforce the State Sanitary Code, the court will issue an order detailing its finding and an appointment of a receiver.

**Public Nuisance**

Conduct which invades or impairs a common or public right. The Attorney General's office has the standing to claim a public nuisance.

**Receiver**

A receiver is granted broad powers to secure, rehabilitate, manage, and maintain the subject property in order to insure that the property is safe and secure. A receiver that is appointed by the court is taking on the task, on behalf of the occupants of a residence, to rehabilitate a property with the hope that it will eventually be turned back over to the owner.

A receiver can be a community development corporation, non-profit corporation, private individual, charity, developer, general contractor, or government official.

The receiver may borrow funds to undertake repairs, grant mortgages and assign a priority lien to its creditors. The receiver may also rent the property to new tenants or reintroduce the existing tenants once the code violations have been eliminated.

**Receivership Order**

If the court decides to appoint a receiver, the judge must prepare a Receivership Order. This order says who the receiver is and what powers and duties the receiver will have.

**Receivership Statute: Sections 127I and 127J of Chapter 111 of the Massachusetts General Laws**

Enacted in 1993, the statute was drafted with the intent of permitting tenants and other occupants of residential properties to seek the appointment of a receiver with independent authority to undertake required repairs and to provide a cure to the landlord and creditors of record.

Section 127J ensures that the receiver will have access to enough monetary support to bring the property back up to code.

### **State Sanitary Code**

The Massachusetts Department of Public Health establishes regulations detailing the standards which must be maintained by the occupants and owners of housing. These regulations protect the health, safety and well-being of Massachusetts citizens and are found in Chapter II of the State Sanitary Code [105 CMR 410.000] entitled Minimum Standards of Fitness for Human Habitation. To review the State Sanitary Code visit <http://www.cityofboston.gov/isd/housing/pdfs/sanitarycode.pdf>.

### **Uniform Relocation Act (URA)**

The Uniform Act, passed by Congress in 1970, is a federal law that establishes minimum standards for federally funded programs and projects that require the acquisition of real property (real-estate) or displace persons from their homes, businesses, or farms. The Uniform Act's protections and assistance apply to the acquisition, rehabilitation, or demolition of real property for federal or federally funded projects. Any property placed under receivership occupied by tenants must follow this law.

### **U.S. Department of Housing and Urban Development (HUD)**

HUD's mission is to increase homeownership, support community development, and increase access to affordable housing free from discrimination. To fulfill this mission, HUD will embrace high standards of ethics, management and accountability and forge new partnerships—particularly with faith-based and community organizations—that leverage resources and improve HUD's ability to be effective on the community level. HUD manages the Neighborhood Stabilization Program.

# Safe and Sanitary Housing for Massachusetts Residents

## Highlights of Chapter II of the State Sanitary Code

*(This content was gathered from the Secretary of Commonwealth's website. For more information about the State Sanitary Code visit [www.sec.state.ma.us/cis/cissfsn/sfsnidex.htm](http://www.sec.state.ma.us/cis/cissfsn/sfsnidex.htm).)*

### Overview

The Massachusetts Department of Public Health establishes regulations detailing the standards which must be maintained by the occupants and owners of housing. These regulations protect the health, safety and well-being of Massachusetts citizens and are found in Chapter II of the State Sanitary Code [105 CMR 410.000] entitled Minimum Standards of Fitness for Human Habitation.

The standards apply to every owner-occupied or rented dwelling, dwelling unit, mobile dwelling unit or rooming house unit in Massachusetts which is used for living, sleeping, cooking and eating. Dwelling unit shall also mean a condominium unit. These regulations have the force of law. Local boards of health have the primary responsibility for their enforcement.

This brochure summarizes those regulations in Chapter II which pertain to essential living needs and describe enforcement procedures. Following each summary is a citation to the regulation number which is used in the Sanitary Code.

For complete information, review Chapter II of the State Sanitary Code and check with your local board of health.

### Summary of Standards

#### Kitchen Facilities

A kitchen must contain a kitchen sink, space and proper facilities for the installation of a refrigerator and, unless otherwise stated in the lease, a stove and oven in good repair. These facilities must be free from defects which make them difficult to clean, or which create an accident hazard. [410.100]

#### Bathroom Facilities

Bathroom facilities must include a toilet with a toilet seat and a bathtub or shower. These must be situated in a room which allows a person privacy, which is fitted with a door capable of being closed and which is not used for the purpose of living, eating, sleeping or cooking. In addition, a washbasin other than the kitchen sink must be located either in the room containing the toilet or near the entrance to that room. [410.150-410.152]

#### Water Supply

The owner must provide (i.e. supply and possibly pay for) water in a sufficient quantity and pressure so that the occupant's ordinary needs are met.

The water must come from the public water supply system or a source approved by the local board of health [410.180]. Effective 3/16/05, M.G.L. Chapter 186, section 15B will be amended by Ch. 417 of the Acts of 2004, allowing landlords to charge new tenants for water after installing meters that record the water usage of each apartment or single family home. It does not apply to tenancies in existence as of the effective date of this act, and also exempts tenants in public housing. A landlord may not charge the tenant separately unless the tenant has signed a written rental agreement

explaining the separate charge for water submetering and billing. The Department of Public Health will further amend the regulations governing the State Sanitary Code to reflect this change.

### **Hot Water Facilities**

Facilities for the heating of water must be provided (i.e. supplied and paid for) and kept in good working order by the owner. The owner must supply hot water in sufficient quantity and pressure to satisfy the normal use of all plumbing fixtures which generally require hot water to function properly. The temperature of the hot water is not to exceed 130° Fahrenheit (54° Celsius) nor fall below 110° Fahrenheit (43° Celsius). Under certain leases, an occupant may be required to provide the fuel for the heating of the water. [410.190]

### **Heating Facilities**

The owner must provide (i.e. supply and pay for) and keep in good working order the facilities capable of heating every habitable room and every room containing bathroom facilities. [410.200]

Between September 15 and June 15, these rooms must be heated to a temperature of not less than 68° Fahrenheit (20° C) between 7:00 a.m. and 11:00 p.m. and 64° Fahrenheit (17° C) between 11:01 p.m. and 6:59 a.m., unless the occupant has agreed to supply the fuel under a written lease. [410.201]

The temperature may not exceed 78° Fahrenheit (25° C) during the heating season. The number of days per year during which heat must be provided may be increased or decreased through a variance granted locally by the board of health. [410.200 and 410.048]

### **Provision for Oil**

The owner must provide the oil used for heating and/or hot water in each unit unless the oil is provided to the tenant in a separate oil tank, such arrangement having been made through a written lease. This only applies to tenancies created after 7/1/94. [410.355]

### **Lighting and Electrical Facilities**

Every room other than the kitchen must be equipped with a minimum of either two separate wall-type convenience outlets or one electric light fixture and one wall-type outlet. [410.250]

Each kitchen must be furnished with a minimum of one electric light fixture and two wall-type convenience outlets. [410.251]

Every room containing a toilet, bathtub or shower must be equipped with a minimum of one electric light fixture. [410.252]

Electric light fixtures with switches must be located such that every laundry, pantry, foyer, hallway, stairway, closet, storage space, cellar, porch, exterior stairway and passageway are adequately lit for safe and reasonable use by the occupants. [410.253(A)]

The owner shall provide appropriate bulbs in all required light fixtures located in common areas. [410.253(B)]

The owner of a dwelling containing more than one dwelling unit shall provide and pay for light at all times for interior passageways, hallways and stairways intended for use by the occupants. In a dwelling with three or fewer dwelling units the light fixtures used to illuminate a common hallway may be wired to the electric service of a dwelling unit on the same floor and the occupant may be responsible for paying for such service if it is part of a rental agreement. [410.254(A)(B)]

No wiring shall lie under any floor cover nor shall it extend through a doorway, window or any other opening. [410.354]

### **Metering of Electricity and Gas**

The owner shall provide and pay for the electricity and gas used in each dwelling unit unless each dwelling unit has a separate meter and a rental agreement provides for payment by the occupant. Nevertheless, the owner is responsible for maintenance of any wiring or piping for electricity or gas. [410.354]

### **Installation and Maintenance of Facilities**

The owner must adhere to accepted procedures and standards such as the state plumbing and electrical codes when installing plumbing, heating and electric facilities and appliances and must maintain them free from leaks and obstructions. [410.351]

The occupant must adhere to accepted procedures and codes when installing washers, dryers, dishwashers, disposals, refrigerators, stoves and electrical fixtures and maintain them free from leaks and obstructions. [410.352(A)]

The occupant of a dwelling is responsible for maintaining all toilets, washbasins, sinks, showers, bathtubs, stoves, refrigerators and dishwashers in a clean and sanitary fashion. The occupant is also responsible for using these facilities and appliances properly and with care. [410.352(B)]

### **Asbestos Material Used as Insulation or Covering**

The owner shall maintain all asbestos material which is used as insulation or covering on a pipe, boiler or furnace in good repair and free of defects such as holes, cracks, tears or looseness which may allow the release of asbestos dust or powdered, crumbled or pulverized asbestos material. The owner must correct any violations either by repairing or removing the asbestos material in accordance with detailed procedures outlined in the regulations. [410.353(B)(C)(D)]—[Asbestos abatement undertaken by the owner must be in compliance with all provisions of the regulations of the departments of Labor and Industries (453 CMR 6.00) and Environmental Protection (310 CMR 7.00).]

### **Smoke Detectors**

The owner of a dwelling that is required by law to be equipped with smoke detectors must maintain them in compliance with regulations of the State Board of Fire Prevention. If a violation of these regulations is observed during an inspection of a dwelling, the board of health must notify the proper fire official. [410.482]

### **Exits**

Exits must be located in every dwelling unit and rooming unit so that safe passage is assured all occupants in accordance with the Massachusetts State Building Code. [410.450]

Owners are responsible for maintaining common exits free from obstructions. Occupants are responsible for the maintenance of exits intended for their exclusive use. [410.451]

The owner of a dwelling is responsible for maintaining all means of egress in a safe, operable condition at all times. In addition, the owner shall keep all exterior stairways, fire escapes, egress balconies and bridges free of ice and snow. [410.452]

### **Maintenance of Structural Elements**

The owner is responsible for insuring that the foundation, floors, walls, doors, windows, ceilings, roof, staircases, porches, chimney and other structural elements of the dwelling do not admit rain or snow and that they are rodent-proof, watertight, in good repair and fit for the intended use. The owner must also keep the structural elements free from holes, cracks, loose plaster or other defects where such defects make the dwelling difficult to clean or may cause an accident or constitute an insect or rodent haven. [410.500]

Windows and exterior doors must be weathertight. [410.501]

No lead paint may be used in painting any surface on the premises. [410.502]

A safe handrail must be provided for every stairway used for or intended for use by the occupants. [410.503]

The occupant must take reasonable care in the use of floors, walls, doors, windows, ceilings, roof, staircases, porches and chimneys. [410.505]

### **Insects, Rodents and Skunks**

In a dwelling with one dwelling unit, the occupant is responsible for exterminating all rodents, cockroaches, skunks and insect infestation and maintaining the unit free of these, provided, however, that the owner shall maintain any screen, fence or other structural element needed to keep rodents and skunks from entering the dwelling; in a dwelling consisting of two or more units or in a rooming house the owner is responsible. [410.550]

As of 7/95, pesticide applicators or their employers must give at least 48 hours' written notice to the occupants prior to any routine commercial application of pesticides for the control of indoor household or indoor structural pests. The notice must include information such as when the application will take place and what products will be used (410.550).

The owner is responsible for providing screens for certain windows and doors on the first four floors of a building. [410.551 and 410.552]

### **Garbage and Rubbish Storage and Disposal**

The owner of a dwelling containing three or more units, the owner of a rooming house and the occupant of any other dwelling shall be responsible for providing receptacles in sufficient number for the storage of rubbish and garbage. These receptacles must be located so that odors do not enter the dwelling. Garbage or mixed rubbish and garbage shall be stored in rodent-proof, watertight, covered containers. Plastic bags will not be considered sufficient. [410.600]

An occupant exclusively occupying or using any part of the dwelling is responsible for maintaining it free from garbage and filth. [410.602(B)]

The owner of any dwelling must keep any part of the dwelling which is used in common by all occupants free from garbage and filth. [410.602(D)]

### **Security**

All dwellings must be secured against unlawful entry. [410.480(A)]

Entry doors to the dwelling and the dwelling unit and every opening exterior window of a dwelling must be secured against unlawful entry and fitted with a functioning locking device. [410.480(B),(D)&(E)]

The main entry door of a dwelling with three or more dwelling units must be equipped to close and lock automatically. Every door of the main common entryway and every exterior door leading into the dwelling other than the door of the main common entryway, which is equipped as described above, must be equipped with an operating lock. [410.480(C)]

The owner of a dwelling is required to post a notice which is constructed of durable material and which is no smaller than 20 square inches in size listing the owner's name, address and telephone number if he/she does not live in the dwelling or have a manager living in the dwelling. If the owner is a realty trust or partnership, the name, address and telephone number of the managing trustee or partner must be posted. If the owner is a corporation, the name, address and telephone number of the president of the corporation shall be posted. [410.481]

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## Summaries of Enforcement Procedures

The determination of whether a violation exists is not decided by either the owner or the occupant; this is the responsibility of the local board of health.

### Access for Repairs and Alterations

Upon reasonable notice by the owner, if possible by appointment, the occupant must allow the owner or the owner's representative access to the dwelling so that repairs or alterations may be made which bring the dwelling into compliance with Chapter II of the Sanitary Code. [410.810]

### Inspections and Investigations

Upon receipt of an oral, written or telephone request, the board of health is required to inspect a dwelling, dwelling unit or rooming unit for possible violations of Chapter II. All interior inspections shall be done in the company of the occupant or the occupant's representative. [410.820]

The board of health must conduct a complete inspection if requested to do so. [410.822(B)]

The board of health shall attempt to initiate and complete an investigation at a time mutually satisfactory to both the local board of health and the occupant within a time frame dependent upon the nature of the violation but not exceeding five days. [410.820(A)]

Each board of health must use an inspection form which lists, but is not limited to, the following:

- Inspector's name;
- Inspection date and time;
- Location of inspection;
- Date and time of additional inspections;
- Description of violation;
- Specific references to violated regulations of Chapter II, by-laws or ordinances;
- Investigator's statement if the violations appear to endanger the safety or health and well-being of the occupants;
- Statement: "This inspection report is signed and certified under the pains and penalties of perjury," followed by the signature of the inspector. [410.821(A)] .

This inspection report form must include a brief summary of the legal remedies available to the occupant of the affected premises. [410.821(B)]

At the termination of the inspection the occupant or his/her representative must receive a written report of the violations noted during the inspection. The need for an additional inspection by a specialized inspector shall be noted on the report. [410.882(C)]

### Timetable for Compliance

An effort to correct any violations of Chapter II of the Sanitary Code must be made within a specific time period which is dependent upon the nature of the violation. Consult either Chapter II of the Sanitary Code or your local sanitary code inspector for specific requirements. [410.830(C),(D)&(E)]

All affected tenants shall receive written copies of all inspection reports and orders sent to the owner. [410.833]

The board of health may order a dwelling, dwelling unit or rooming house or any portion of such unit condemned and vacated if, as a result of an inspection pursuant to Regulation 410.820, it is determined that the unit or any portion of it is unfit for human habitation. The steps to be followed by the board of health are outlined in Regulation 410.831.

**Hearing**

Owners and/or occupants are entitled to file a written petition for a hearing before the local board of health if:

- a.** they have been served an order pursuant to any regulation in Chapter II of the Sanitary Code by the board of health. Their petition must be filed within seven days after the day the order was served.
- b.** they believe that the board of health or any inspector has failed to follow the provisions of Chapter II by neglecting to conduct an investigation as requested, to issue a report on the inspection, to cite violations claimed to exist, to certify that a violation may endanger or materially impair the health or safety and well-being of the occupants or to issue an order as required by Regulation 410.830.

The petition must be filed within 30 days of the initial request for an inspection. [410.850]

Affected parties, owners and occupants shall be informed of the hearing and of their right to inspect the files of the board of health. [410.851]

The hearing must begin within 30 days of the date the order was served and, in certain instances, must begin within less than 30 days. [410.852]

Within seven days after the hearing has concluded, the board of health shall inform the petitioner in writing whether the board has decided to sustain, modify or withdraw the order. [410.854]

**Appeal**

The final decision of the board of health may be appealed to the appropriate Massachusetts court. [410.860]

**Lead Paint Removal**

The Lead Law requires the removal or covering of lead paint hazards in homes built before 1978 where any children under six years of age reside. Owners are responsible with complying with the law. This includes owners of rental property (excluding vacation property which has been properly exempted) as well as owners living in their own dwellings. Financial help is available through tax credits, grants, and loans. Owners of dwellings which will be rented to families with children under six years of age must have the units tested for the presence of lead. Landlords can be held liable for a lead-poisoned child. An owner cannot evict or refuse to rent to anyone because of lead paint, enforceable by the MA Commission Against Discrimination [Boston: (617) 994-6000 or Springfield: (413) 739-2145].

Testing must be done by inspectors licensed by the Childhood Lead Poisoning Prevention Program of the Department of Public Health. The lead must be abated if dangerous levels are found during an inspection done by a private lead inspector or during a routine code violation inspection done by a local health inspector from the city or town at the request of the occupant. Low-risk abatement of lead paint (defined in 460.175) may be performed by owners or owners' agents after a one-day course, exam, and certification required by the Department of Public Health's Childhood Lead Poisoning Prevention Program. Call 1-800-532-9571 to find out more. Further information is available at: [www.mass.gov/dph/clppp/mod.htm](http://www.mass.gov/dph/clppp/mod.htm). [460.420] High-risk abatement must be performed by deleaders licensed by the Department of Labor and Workforce Development's Division Occupational Safety. To find out more, call the agency at (617) 626-6960 or 1-800-425-0004 (MA only) or visit their website at [www.mass.gov/dos/lead](http://www.mass.gov/dos/lead).

Under the revised Massachusetts Lead Paint Law (M.G.L. Chapter 111, section 197A(d), all tenants and prospective tenants, regardless of whether they have children under the age of six, must receive

written information about the lead status of the home or apartment they occupy or are about to rent. This program, called "tenant notification", which took effect on 9/1/95, applies to premises built prior to 1978 and is regulated by 105 CMR 460.725

Property owners must provide tenants with copies of any existing lead status documents for their particular unit (such as the most recent lead inspection, a letter of "interim control" if intermediate lead paint remediation steps are being taken, or a letter of compliance indicating that any necessary deleading measures have been taken) as well as a one-page Lead Law Notification form, which is an information fact sheet. On the reverse side of the notification form is a certification to be signed by both parties to indicate that the notification procedure was followed. Both the landlord and tenant must keep a completed copy of this form.

Copies of the Lead Law Notification form are available free of charge from the Childhood Lead Poisoning Prevention Program of the Department of Public Health, (617) 753-8400 or 1-800-532-9571, or online at [www.mass.gov/dph/clppp](http://www.mass.gov/dph/clppp).

# The Massachusetts Receivership Statute

TITLE XVI. PUBLIC HEALTH  
CHAPTER 111. PUBLIC HEALTH

## Nuisances

### Chapter 111: Section 127I. Enforcement of sanitary code; remedies; receiver

Section 127I. Upon the filing of a petition to enforce the provisions of the sanitary code, or any civil action concerning violations of the sanitary code by any affected occupants or a public agency, whether begun in the district, housing or superior court, and whether brought under section one hundred and twenty-seven C or otherwise, the court may: issue temporary restraining orders, preliminary or permanent injunctions; order payment by any affected occupants to the clerk of court, in accordance with the provisions of section one hundred and twenty-seven F; or appoint a receiver whose rights, duties and powers shall be specified by the court in accordance with the provisions of this section.

Upon receipt of service of any petition in which the appointment of a receiver is sought, the owner shall provide to the petitioner, within three days, a written list of all mortgagees and lienors of record. At least fourteen days prior to any hearing in any such proceeding, the petitioner shall send by certified or registered mail a copy of the petition to all mortgagees and lienors included in the owner's list as well as to all other mortgagees and lienors of which the petitioner may be aware, and shall notify them of the time and place of the hearing. Upon motion of the petitioner, the court may order such shorter periods of prior notice as may be justified by the facts of the case.

Whenever a petitioner shows that violations of the sanitary code will not be promptly remedied unless a receiver is appointed and the court determines that such appointment is in the best interest of occupants residing in the property, the court shall appoint a receiver of the property. Any receiver appointed under this paragraph may be removed by the court upon a showing that the receiver is not diligently carrying out the work necessary to bring the property into compliance with the code, or that it is in the best interest of any tenants residing in the property that removal occur.

No receiver shall be appointed until the receiver furnishes a bond or such other surety and provides proof of such liability insurance as the court deems sufficient in the circumstances of the case. Upon appointment, the receiver shall promptly repair the property and maintain it in a safe and healthful condition. The receiver shall have full power to borrow funds and to grant security interests or liens on the affected property, to make such contracts as the receiver may deem necessary, and, notwithstanding any special or general law to the contrary, shall not be subject to any public bidding law nor considered a state, county or municipal employee for any purpose. In order to secure payment of any costs incurred and repayment of any loans for repair, operation, maintenance or management of the property, the receiver shall have a lien with priority over all other liens or mortgages except municipal liens, and such lien priority may be assigned to lenders for the purpose of securing loans for repair, operation, maintenance or management of the property. No such lien shall be effective unless recorded in the registry for the county in which the property is located.

The receiver shall be authorized to collect rents and shall apply the rents to payment of any repairs necessary to bring the property into compliance with the sanitary code and to necessary expenses of operation, maintenance, and management of the property, including insurance expenses and reasonable fees of the receiver, and then to payment of any unpaid taxes, assessments, penalties or interest. Any excess of income in the hands of the receiver shall then be applied to payments due any mortgagee or lienor of record.

Nothing in this section shall be deemed to relieve the owner of property of any civil or criminal liability or any duty imposed by reason of acts or omissions of the owner, nor shall appointment of a receiver suspend any obligation the owner or any other person may have for payment of taxes, of any operating or maintenance expense, or of mortgages or liens, or for repair of the premises.

The receiver shall be liable for injuries to persons and property to the same extent as the owner would have been liable; however, such liability shall be limited to the assets and income of the receivership, including any proceeds of insurance purchased by the receiver in its capacity as receiver. The receiver shall in no instance be personally liable for actions or inactions within the scope of the receiver's capacity as receiver. No suit shall be brought against the receiver except as approved by the court which appointed the receiver. Nothing herein shall be construed to limit the right of tenants to raise any counterclaims or defenses in any summary process or other action regarding possession brought by a receiver.

The remedies set forth herein shall be available to condominium unit owners and tenants in condominium units. Whenever used in this section, the term "petitioner" shall include a condominium unit owner or tenant, the term "owner" shall include a condominium association, the terms "mortgagees" and "lienors" shall include mortgagees and lienors of individual condominium units, and the term "rents" shall include condominium fees. The receiver shall have the right to impose assessments upon individual condominium units for payment of expenses incurred in the exercise of his powers, which liens shall have priority over all other liens and mortgages, except municipal liens.

The receiver shall file with the court and with all parties of record, on a bimonthly basis, an accounting of all funds received by and owed to the receiver, and all funds disbursed, and shall comply with such other reporting requirements mandated by court, unless, for cause shown, the court determines that less frequent or less detailed reports are appropriate; provided that said notice shall not be less than five days.

**Chapter 111: Section 127J. Petition by receiver to apply for financial assistance; notice and hearing; financial assistance; lien**

Section 127J. A receiver may petition the court for leave to apply for financial assistance from the commonwealth to supplement funds otherwise available from rents, if he deems that the rents are insufficient to effectuate the necessary repairs or rehabilitation. Seven days' notice of a hearing on said petition shall be given to the respondent as well as any mortgagees or lien holders of record. The court, after hearing, may, by decree, authorize the receiver to apply for such financial assistance, if it finds such assistance is necessary, that it is in a reasonable amount and that the sum required to repair and rehabilitate the premises is not so excessive as to constitute an imprudent and unreasonable expenditure to accomplish the purpose.

Application for financial assistance shall be made to the department of public health in such manner and on such forms as may be prescribed by said department.

Said department may expend for such assistance such sums as may be appropriated therefor.

The receiver shall return any unused portion of any sums received by him to the commonwealth. The balance owed by the receiver to the commonwealth shall, together with interest thereon at the rate of six per cent per annum, constitute a debt due the commonwealth, upon the rendering of an account therefor to the owner of record, and shall be recoverable from such owner in an action of contract. Any such debt, including interest thereon, shall constitute a lien on the property involved, if a notice of such lien is recorded on behalf of the commonwealth in the proper registry of deeds within ninety days after the debt becomes due.

Any proceeding under this section may be advanced for speedy trial.

# Neighborhood Stabilization Program Eligible Communities

Below is a list of the 39 municipalities eligible for Neighborhood Stabilization Program receivership funding through the Massachusetts Department of Housing and Community Development. These municipalities were selected based on a variety of different variables including FY 2008 foreclosure auction figures, HUD-provided measures of subprime loan activity, risk of future foreclosures, and residential vacancy rates. The 39 communities identified account for 67% of the foreclosure auction activity in the Commonwealth for FY 2008.

Receivership can be an effective tool even in the absence of NSP funding. If you are not one of the 39 municipalities listed here, refer to Tab 3 for other funding options.

Attleborough	Falmouth	Marshfield	Saugus
Barnstable	Fitchburg	Methuen	Somerville
Billerica	Framingham	Milford	Springfield
Boston	Haverhill	New Bedford	Stoughton
Brockton	Holyoke	Peabody	Taunton
Chelsea	Lawrence	Plymouth	Wareham
Chicopee	Leominster	Quincy	Weymouth
Dracut	Lowell	Randolph	Worcester
Everett	Lynn	Revere	Yarmouth
Fall River	Marlborough	Salem	

# HOUSING COURT JURISDICTIONS with NSP COMMUNITIES

- Lowell
- Lawrence
- Lynn
- Haverhill
- Methuen
- Salem
- Saugus
- Billerica
- Dracut
- Peabody



## Additional NSP Communities

- Barnstable, Barnstable Co.
- Framingham, Middlesex Co.
- Falmouth, Barnstable Co.
- Somerville, Middlesex Co.
- Yarmouth, Barnstable Co.
- Quincy, Norfolk Co.
- Chelsea, Suffolk Co.
- Randolph, Norfolk Co.
- Revere, Suffolk Co.
- Stoughton, Norfolk Co.
- Everett, Middlesex Co.
- Weymouth, Norfolk

- Attleboro
- Brockton
- Fall River
- Marshfield
- New Bedford
- Plymouth
- Taunton
- Wareham





# VI. Contact Information

# Neighborhood Stabilization Program Eligible Communities

## Worcester Housing Court Area

Municipality/Court	Name	Title	Phone	E-Mail	
<b>City of Fitchburg</b> 718 Main Street Fitchburg, MA 01420	<b>Lisa Wong</b>	Mayor	978-345-9550	lwong@ci.fitchburg.ma.us	
	<b>Tom Szocik</b>	Director, Fitchburg Redevelopment Authority	978-945-9602	t.szocik@net1plus.com	
	<b>Steve Curry</b>	Director, Health	978-345-9582	scurry@ci.fitchburg.ma.us	
	<b>Michael Ciota</b>	Law Department	978-345-9634	mciota@cslaw.com	
	<b>David Streb</b>	Director, Planning & Community Development	978-345-1018	dstreb@ci.fitchburg.ma.us	
	<b>Larry Casassa</b>	Deputy Director, Planning & Community Development	978-345-1018	lcasassa@ci.fitchburg.ma.us	
	<b>Michael Gallant</b>	Building Commissioner	978-945-9596	mgallant@ci.fitchburg.ma.us	
	<b>City of Leominster</b> 25 West Street Leominster, MA 01453	<b>Dean Mazzarella</b>	Mayor	978-534-7500	dmazzarella@leominster-ma.gov
		<b>Edward Catalado</b>	Director, Inspections	978-534-7517	ecatalado@leominster-ma.gov
		<b>Bill Charpentier</b>	Building Inspector		bcharpentier@leominster-ma.gov
<b>Christopher Knuth</b>		Director, Health Department	978-534-7533 x249	cknuth@leominster-ma.gov	
<b>Ann Cramer</b>		Code Enforcement Inspector		acramer@leominster-ma.gov	
<b>Michelle Powell</b>		Code Enforcement Inspector		mpowell@leominster-ma.gov	
<b>Lisa Vallee</b>		Economic Development	978-537-8112 x257	lvallee@leominster-ma.gov	
<b>City of Marlborough</b> 140 Main Street Marlborough, MA 01752	<b>Kate Griffin-Brooks</b>	Director, Planning	978-537-8112 x255	kgriffin-brooks@leominster-ma.gov	
	<b>Nancy Stevens</b>	Mayor	508-460-3770	mayor@marlborough-ma.gov	
	<b>Kevin Flynn</b>	Director, Community Development	508-460-3715	comm_dev@marlborough-ma.gov	
	<b>Nancy Savoie</b>	City Planner	508-460-3799	nsavoie@marlborough-ma.gov	
	<b>Robert Landry</b>	Health Department Administrator	508-460-3751	blandry@marlborough-ma.gov	
<b>Town of Milford</b> 52 Main Street Milford, MA 01757	<b>Deirdre O'Connor</b>	Assistant Sanitarian	508-634-3753	dconnor@marlborough-ma.gov	
	<b>Louis Celozzi</b>	Town Administrator	508-634-2303	lcelozzi@townofmilford.com	
	<b>Larry Dunkin</b>	Director, Planning		ldunkin@townofmilford.com	
	<b>Anthony DeLuca</b>	Building Inspector	508-634-2313	adeluca@townofmilford.com	
	<b>Paul Mazzachuelli</b>	Health Agent	508-634-2315	pmazzachuelli@townofmilford.com	

**Worcester  
Housing Court  
Area**

Municipality/Court	Name	Title	Phone	E-Mail
<b>Worcester</b> 455 Main Street Worcester, MA 01608	<b>Konstantina Lukes</b>	Mayor	508-799-1153	mayor@ci.worcester.ma.us
	<b>Michael O'Brien</b>	City Manager	508-799-1175	citymanager@ci.worcester.ma.us
	<b>Joseph R. Mikielian</b>	Commissioner, Inspectional Services	508-799-1198	inspections@ci.worcester.ma.us
	<b>Derek Brindisi</b>	Acting Director, Health & Human Services	508-799-8481	hhs@ci.worcester.ma.us
	<b>Timothy McGourthy</b>	Director, Economic Development	508-799-1400	development@ci.worcester.ma.us
	<b>John Kelly</b>	Building Commissioner	508-799-1198	inspections@ci.worcester.ma.us
	<b>Amanda Wilson</b>	Director, Housing & Health Inspections	508-799-1198	inspections@ci.worcester.ma.us
	<b>David Moore</b>	City Solicitor	508-799-1161	law@ci.worcester.ma.us
	<b>Dennis Hennessy</b>	Director, Neighborhood & Housing Development	508-799-1400	hennessyd@ci.worcester.ma.us
	<b>Scott Hayman</b>	Director, Housing	508-799-1400 x225	haymans@ci.worcester.ma.us
<b>Joel Fontane</b>	Director, Planning & Regulatory Services	508-799-1400	planning@ci.worcester.ma.us	
<b>Worcester Housing Court</b> 255 Main Street Worcester MA 01608	<b>Diana Horan</b>	Judge	508-792-0800 x504	
	<b>Timothy Sullivan</b>	Associate Justice	508-792-0800 x504	
	<b>William Weiss</b>	First Assistant Clerk	508-792-0800	william.weiss@jud.state.ma.us
	<b>James Bisceglia</b>	Clerk	508-792-0800 x501	
	<b>Michael O'Mara</b>	Housing Specialist	617-788-6536	

**Southeast  
Housing Court  
Area**

Municipality/Court	Name	Title	Phone	E-Mail
<b>City of Attleboro</b> 77 Park Street Attleboro, MA 02703	<b>Kevin Dumas</b>	Mayor	508-223-2222	
	<b>Gary Ayrassian</b>	Director, Planning & Development	508-223-2222 x3143	cityplanning@cityofattleboro.us
	<b>Salvador A. Pina</b>	Director, Community Development	508-223-2222 x3330	comdevdir@cityofattleboro.us
	<b>Jacque O'Brien</b>	Health Department	508-223-2222 x3244	healthnurse@cityofattleboro.us
	<b>Douglas Semple</b>	Building Inspector	508-223-2222 x3251	
	<b>James Mooney</b>	Health Agent	508-223-2222	
<b>City of Brockton</b> 46 School Street Brockton, MA 02301	<b>James Harrington</b>	Mayor	508-580-7114	mayor@ci.brockton.ma.us
	<b>Nancy Stack Savoie</b>	Director, Planning Department	508-580-7113	planning@ci.brockton.ma.us
	<b>Louis Tartaglia</b>	Board of Health	508-580-7175	health@ci.brockton.ma.us
	<b>Michael Thoreson</b>	Department of Public Works	508-580-7135	dpw@ci.brockton.ma.us
	<b>Joseph Vasapollo</b>	Building Inspector	508-580-7150	building@ci.brockton.ma.us
	<b>Alex Markos</b>	Director, Economic Development	508-580-7887	
<b>City of Fall River</b> One Government Center Fall River, MA 02722	<b>Robert Correia</b>	Mayor	508-324-2000	mayor@fallriverma.org
	<b>Kathleen Edwards</b>	Chief of Staff, Mayor's Office	508-324-2600	kedwards@fallriverma.org
	<b>Colleen Whipp Hart</b>	Director, Intergovernmental Affairs	508-324-2600	cwhipp@fallriverma.org
	<b>Manuel A. Pereira</b>	Code & Enforcement Inspector	508-324-2222	wire@fallriverma.org
	<b>Frederick Lima</b>	Inspector, Plumbing & Gas	508-324-2571	flima@fallriverma.org
	<b>Francis P. Reilly</b>	Inspector, Plumbing & Gas	508-324-2572	freilly@fallriverma.org
	<b>Joseph Biszko</b>	Interim Director, Code Enforcement	508-324-2500	jbiszko@fallriverma.org
	<b>James D. Aguiar, Jr.</b>	Local Building Inspector	508-324-2500	jaguiar@fallriverma.org
	<b>William H. McGrady, Jr.</b>	Local Building Inspector	508-324-2500	wmcgrady@fallriverma.org
	<b>Robert R. Rebello</b>	Local Building Inspector	508-324-2500	rrebello@fallriverma.org
	<b>Ken Pacheco</b>	Director, Community Maintenance	508-324-2584	kpacheco@fallriverma.org
	<b>Roger Dufour</b>	Director, Housing & Health	508-324-2545	
	<b>Arthur D. Frank, Jr.</b>	Corporation Counsel, Law Department	508-324-2650	
	<b>Jim Hartnett</b>	Director, Planning	508-324-2561	

**Southeast  
Housing Court  
Area**

Municipality/Court	Name	Title	Phone	E-Mail
<b>Town of Marshfield</b> 870 Moraine Street Marshfield, MA 02050	<b>Rocco Longo</b>	Town Administrator	781-834-5563	
	<b>Peter Falabella</b>	Director, Public Health	781-834-5558	pfalabella@townofmarshfield.org
	<b>Laurel Thorne</b>	Assistant Director, Public Health	781-834-5558	lthorne@townofmarshfield.org
	<b>Michael Clancy</b>	Building Commissioner	781-834-5555	mclancy@townofmarshfield.org
	<b>Paul Halkiotis</b>	Town Planner	781-834-5554	phalkiotis@townofmarshfield.org
	<b>David E. Carriere</b>	Superintendent, DPW	781-834-5575	dcarriere@townofmarshfield.org
	<b>Robert L. Marzelli</b>	Town Counsel	781-837-3636	
<b>City of New Bedford</b> 133 William Street New Bedford, MA 02740	<b>Scott Lang</b>	Mayor	508-979-1400	scott.lang@newbedford-ma.gov
	<b>Marianne B. DeSouza</b>	Director, Public Health	508-991-6199	marianne.desouza@ newbedford-ma.gov
	<b>Danny D. Romanowicz</b>	Commissioner, Inspectional Services	508-979-1540	
	<b>David A. Kennedy</b>	City Planner	508-979-1488	david.kennedy@newbedford-ma.gov
	<b>Jill Maclean</b>	Assistant City Planner	508-979-1488	jill.maclean@newbedford-ma.gov
	<b>Raymond Khalife</b>	Senior Planner	508-979-1488	rkhalife@newbedford-ma.gov
	<b>Irene B. Schall</b>	City Solicitor	508-979-1460	
<b>Town of Plymouth</b> 11 Lincoln Street Plymouth, MA 02360	<b>Melissa Arrighi</b>	Town Manager	508-747-1620	marrighi@townhall.plymouth.ma.us
	<b>Tiffany Park</b>	Executive Assistant, Board of Selectman	508-747-1620 x106	townmanager-Selectmen@ townhall.plymouth.ma.us
	<b>Bruce Arons</b>	Director, Community Development	508-747-1620 x150	
	<b>Susan Merrifield</b>	Director, Health	508-747-1620	boh@townhall.plymouth.ma.us
	<b>Holly A. Ricardo</b>	Health Agent	508-747-1620	hricardo@townhall.plymouth.ma.us
	<b>Paul McAuliffe</b>	Director, Inspectional Services	508-747-1620 x110	pmcauliffe@townhall.plymouth.ma.us
	<b>Paul Vecchi</b>	Local Building Inspector	508-747-1620	paulv@townhall.plymouth.ma.us
	<b>Jason Silva</b>	Local Building Inspector	508-747-1620	jsilva@townhall.plymouth.ma.us
	<b>Thomas Rapoza</b>	Zoning Field Inspector	508-747-1620	trapoza@townhall.plymouth.ma.us
	<b>Lee Hartmann</b>	Director, Planning & Development	508-747-1620	
<b>David Gould</b>	Acting Director, DPW	508-747-1620 x126	dgould@townhall.plymouth.ma.us	

**Southeast  
Housing Court  
Area**

Municipality/Court	Name	Title	Phone	E-Mail
<b>Town of Plymouth</b> <i>continued</i>	<b>Laura L. Schaefer</b>	Executive Director, Redevelopment Authority	508-747-1620 x148	redevelopment@ townhall.plymouth.ma.us
<b>City of Taunton</b> 15 Summer Street Taunton, MA 02780	<b>Charles Crowley</b>	Mayor	508-821-1000	mayor@tmlp.net
	<b>Wayne Walkden</b>	Superintendent of Buildings	508-821-1015	bdgsupt@tmlp.net
	<b>Robert Pirozzi</b>	Building Commissioner	508-821-1015	bldelec@tmlpl.net
	<b>Mary Jane Benker</b>	Building Inspector– Zoning Enforcement Officer	508-821-1015	blgdzone@tmlp.net
	<b>Scott Bibby</b>	Plumbing & Gas Inspector	508-821-1015	pgminspect@tmlp.net
	<b>Kevin J. Shea</b>	Executive Director, Economic & Community Development	508-821-1030	execdireconcomdev@tmlp.net
	<b>Richard L. Shafer</b>	Director, Economic Development	508-821-1030	direcondev@tmlp.net
	<b>Michael J. Ferreira</b>	Director, Community Development	508-821-1030	dircomdev@tmlp.net
	<b>Jim Howland</b>	Housing Program Manager	508-821-1030	econcomdev02@tmlp.net
	<b>James McCarty</b>	CDBG Program Manager	508-821-1030	econcomdev03@tmlp.net
	<b>Heather Gallant</b>	Executive Director, Health Department	508-821-1400	
	<b>Steven A. Torres</b>	City Solicitor	508-821-1036	cotlawdept@tmlp.net
	<b>Kevin Scanlon</b>	Director, Planning, Conservation & Zoning	508-821-1051	kscanlon@tmlp.net
	<b>Michele Restino</b>	Conservation Agent		mrestino@tmlp.net
	<b>Fred Cornaglia</b>	Commissioner, DPW	508-821-1431	asstcomm@tmlp.net
	<b>Anthony Abreau</b>	Assistant Commissioner, DPW		dpwasstcomm@tmlp.net

**Southeast  
Housing Court  
Area**

Municipality/Court	Name	Title	Phone	E-Mail
<b>Town of Wareham</b> 54 Marion Road Wareham, MA 02571	<b>John Sanguinet</b>	Acting Town Administrator	508-291-3100 x3110	administration@wareham.ma.us
	<b>Marilyn Whalley</b>	Director, Community & Economic Development	508-291-3100 x3171	mwhalley@wareham.ma.us
	<b>Robert Ethier</b>	Health Agent	508-291-3100 x3197	boardofhealth@wareham.ma.us
	<b>Theodore Misiaszek</b>	Director, Inspectional Services	508 291-3100 x3194	inspections@wareham.ma.us
<b>Southeast Housing Court</b> 289 Rock Street Fall River, MA 02720-3246	<b>Anne Kenney Chaplin</b>	Judge	508-677-1505 x318	
	<b>Wilbur Edwards, Jr.</b>	Associate Justice		
	<b>Marilyn Laliberte</b>	Judicial Secretary		marilyn.laliberte@jud.state.ma.us
	<b>Mark Jeffries</b>	Clerk		
	<b>Suzette Fagan-Clarke</b>	Chief Housing Specialist		

## Northeast Housing Court Area

Municipality/Court	Name	Title	Phone	E-Mail
<b>Town of Billerica</b> 365 Boston Road Billerica, MA 01821	<b>William Williams</b>	Town Manager	978-671-0942	wwilliams@town.billerica.ma.us
	<b>Richard Berube</b>	Director, Board of Health	978-671-0931	billericaboh@town.billerica.ma.us
	<b>Milton Kinney Jr.</b>	Building Inspector	978-671-0959	
	<b>Marie O'Rourke</b>	Board of Health Chair	978-671-0931	
	<b>Peter Kennedy</b>	Director, Planning	978-671-0962	
	<b>Abdul Alkhatib</b>	Director, Public Works	978-671-0955	
<b>Town of Dracut</b> 62 Arlington Street Dracut, MA 01826	<b>Dennis Piendak</b>	Town Manager	978-452-1908	townmanager@dracut-ma.us
	<b>Glen Edwards</b>	Asst. Town Manager/Town Planner	978-453-4557	atm-planner@dracut-ma.us
	<b>Dan McLaughlin</b>	Building Inspector	978-454-0603	
	<b>Thomas Bomil</b>	Health Agent	978-453-8162	
<b>City of Haverhill</b> 4 Summer Street Haverhill, MA 01830	<b>James Fiorentini</b>	Mayor	978-374-2300	mayor@cityofhaverhill.com
	<b>Bonnie Dufresne</b>	Health Agent	978-374-2325	bdufresne@cityofhaverhill.com
	<b>Richard Osborne</b>	Building Inspector	978-374-2325	
	<b>William Pillsbury, Jr.</b>	Director, Planning	978-374-2330	wpillsbury@cityofhaverhill.com
	<b>Michael Sullivan</b>	Mayor	978-794-5858	msullivan@cityoflawrence.com
<b>City of Lawrence</b> 200 Common Street Lawrence, MA 01840	<b>Myles Burke</b>	Director, Inspectional Services	978-620-3130	mburke@cityoflawrence.com
	<b>James Barnes</b>	Director, Community Development	978-620-3510	jbarnes@cityoflawrence.com
	<b>Thomas Schiavone</b>	Director, Economic Development	978-620-3016	tschiavone@cityoflawrence.com
	<b>Michael Sweeney</b>	Director, Planning	978-620-3500	msweeney@cityoflawrence.com
	<b>Peg Burton</b>	Board of Health Chair	978-620-3260	
	<b>Edward Caulfield</b>	Mayor	978-970-4040	mayor@ci.lowell.ma.us
<b>City of Lowell</b> 375 Merrimack Street Lawrence, MA 01852	<b>Bernard Lynch</b>	City Manager	978-970-4000	blynch@lowellma.gov
	<b>Frank Singleton</b>	Director, Health Department	978-970-4141	fsingleton@ci.lowell.ma.us
	<b>Robert Camacho</b>	Building Commissioner		buildingdeptmessages@lowellma.gov
	<b>Adam Baacke</b>	Director, City Planning	978-970-4252	abaacke@ci.lowell.ma.us

**Northeast  
Housing Court  
Area**

Municipality/Court	Name	Title	Phone	E-Mail
<b>City of Lynn</b> 3 City Hall Square Lynn, MA 01901	<b>Edward Clancy</b>	Mayor	781-598-4000	
	<b>Michael Donovan</b>	Inspectional Services Chief	781-598-4000	mdonovan@ci.lynn.ma.us
	<b>MaryAnn O'Connor</b>	Director, Board of Health	781-598-4000 x6828	mconnor@ci.lynn.ma.us
	<b>Michael Barry</b>	City Solicitor	781-598-4000 x6843	kbelliveau@ci.lynn.ma.us
	<b>James Marsh</b>	Director, City Planning	781-586-6770	jmarsh@ci.lynn.ma.us
<b>City of Methuen</b> 41 Pleasant Street Methuen, MA 01844	<b>William Manzi</b>	Mayor	978-794-3210	wmmanzi@ci.methuen.ma.us.
	<b>Gerald Deschene</b>	Building Commissioner	978-983-8625	gdeschene@ci.methuen.ma.us
	<b>Karen Sawyer</b>	Director, Community Development	978-983-8560	
	<b>Brian LaGrasse</b>	Director, Public Health	978-983-8655	
	<b>Raymond DiFiore</b>	Director, Public Works	978-983-8545	
<b>City of Peabody</b> 24 Lowell Street Peabody, MA 01960	<b>Michael Bonfanti</b>	Mayor	978-532-3000	mayor@peabody-ma.gov
	<b>Sharon Cameron</b>	Director, Health & Human Services	978-538-5920	sharon.cameron@peabody-ma.gov
	<b>Kevin Goggin</b>	Building Commissioner	978-538-5785	kevin.goggin@peabody-ma.gov
	<b>John Barry</b>	Board of Health Chair	978-538-5920	
	<b>Jean Delios</b>	Director, Community Development	978-538-5770	jean.delios@peabody-ma.gov
<b>City of Salem</b> 93 Washington Street Salem, MA 01970	<b>Richard Carnevale</b>	Director, Public Works	978-536-7100	
	<b>Kimberly Lord Driscoll</b>	Mayor	978-745-9595 x5600	mayor@salem.com
	<b>Thomas J. St. Pierre</b>	Director, Inspectional Services	978-745-9595 x5641	
	<b>Joanne Scott</b>	Health Agent	978-741-1800	jscott@salem.com
	<b>Lynn Duncan</b>	Director, Planning	978-745-9595 x5685	lduncan@salem.com
<b>Town of Saugus</b> 298 Central Street Saugus, MA 01906	<b>Richard Rennard</b>	Director, Public Works	978-744-3302	rrennard@salem.com
	<b>Elizabeth Rennard</b>	City Solicitor	978-619-5633	brennard@salem.com
	<b>Andrew Bisignani</b>	Town Manager	781-231-4111	abisignani@saugus-ma.gov
	<b>Fred Varone</b>	Building Commissioner	781-231-4116	fvarone@saugus-ma.gov
	<b>Frank Giacalone</b>	Health Agent	781-231-4115	fgiacalone@saugus-ma.gov

**Northeast  
Housing Court  
Area**

Municipality/Court	Name	Title	Phone	E-Mail
<b>Northeast Housing Court</b> Fenton Judicial Center 2 Appleton Street Lawrence, MA 01840	<b>David Kerman</b>	Judge		
	<b>Susan Trippi</b>	Clerk		susan.trippi@jud.state.ma.us
	<b>Patrick McDonough</b>	Chief Housing Specialist		patrick.mcdonough@jud.state.ma.us

**Western Housing Court Area**

Municipality/Court	Name	Title	Phone	E-Mail
<b>City of Chicopee</b> 17 Springfield Street Chicopee, MA 01013	<b>Michael Bissonnette</b>	Mayor	413-594-1500	mblissonnette@chicopeema.gov
	<b>Joseph Viamari</b>	Building Commissioner	413-594-1440	jviamari@chicopeema.gov
	<b>Carissa Lisee</b>	Building Inspector	413-594-1440	clisee@chicopeema.gov
	<b>Susan Phillips</b>	City Solicitor	413-594-1520	sphilips@chicopeema.gov
	<b>Kevin Corridan</b>	Assistant City Solicitor	413-594-1520	kcorridan@chicopeema.gov
	<b>Tom Haberlin</b>	Director, Economic Development	413-594-1490	thaberlin@chicopeema.gov
	<b>Kathleen Lingenburg</b>	Director, Housing	413-594-1490	communitydev@chicopeema.gov
	<b>Kate Brown</b>	Director, Planning	413-594-1515	kbrown@chicopeema.gov
	<b>Angel Quinones</b>	Health Code Enforcement	413-594-1660	aquinones@chicopeema.gov
<b>City of Holyoke</b> 536 Dwight Street Holyoke, MA 01040	<b>Michael Sullivan</b>	Mayor	413-322-5510	sullivam@ci.holyoke.ma.us
	<b>William Murphy</b>	Director, Community Development	413-322-5610	murphyw@ci.holyoke.ma.us
	<b>Linda McQuade</b>	Deputy Director, Community Development	413-322-5610	mquadel@ci.holyoke.ma.us
	<b>Karen Betournay</b>	City Solicitor	413-322-5580	betournay@ci.holyoke.ma.us
<b>City of Springfield</b> 36 Court Street Springfield, MA 01103	<b>Kathleen Anderson</b>	Director, Planning & Development	413-322-5655	andersonk@ci.holyoke.ma.us
	<b>Paul Healy</b>	Building Inspector	413-322-5600	
	<b>Domenic Sarno</b>	Mayor	413-787-6100	
<b>City of Springfield</b> 36 Court Street Springfield, MA 01103	<b>Stephen Desilets</b>	Building Commissioner	413-787-6730	
	<b>Dennis L. Calvanese</b>	Building Inspector	413-787-6730	dcalvanese@springfieldcityhall.com
	<b>Charlene Baiardi</b>	Building Inspector	413-787-6730	cbaiardi@springfieldcityhall.com
	<b>Alan Chwalek</b>	Director, Public Works	413-787-6224	
	<b>Edward Pikula</b>	City Solicitor	413-787-6098	
	<b>Brian Connors</b>	Director, Planning & Economic Development	413-787-6020	

**Western Housing  
Court Area**

Municipality/Court	Name	Title	Phone	E-Mail
<b>Western Housing Court</b> 37 Elm Street P.O. Box 559 Springfield, MA 01102-0559	<b>Dina Fein</b>	Judge	413-748-7838	
	<b>Beatriz Riveria-Batista</b>	Judge's Secretary/Clerk		beatriz.riveria-batista@jud.state.ma.us
	<b>Michael Doherty</b>	Clerk/Chief Housing Specialist		michael.doherty@jud.state.ma.us
	<b>Jesse Cochin</b>	Assistant Clerk		jess.cochin@jud.state.ma.us
	<b>Karen Huntoon</b>	Assistant Clerk		karen.huntoon@jud.state.ma.us

**Other NSP Communities**

Municipality/Court	Name	Title	Phone	E-Mail
<b>City of Barnstable</b> 367 Main Street Barnstable, MA 02601	<b>Donald Grissom</b>	Town Council Administrator	508-862-4734	council@town.barnstable.ma.us
	<b>Ruth Weil</b>	Town Attorney	508-862-4620	
	<b>Jo Anne Miller Buntich</b>	Interim Director, Comprehensive Planning	508-862-4768	comprehensive.plan@town.barnstable.ma.us
	<b>Melissa Hersh</b>	Community Development	508-862-4678	
	<b>Kathleen Girouard</b>	Community Development	508-862-4678	
	<b>Thomas Perry</b>	Director, Building Division	508-862-4038	
	<b>Thomas A. McKean</b>	Director, Health Division	508-862-4644	
	<b>Jay Ash</b>	City Manager	617-466-4100	jash@chelseama.gov
	<b>Ned Keefe</b>	Deputy City Manager	617-466-4100	nkeefe@chelseama.gov
	<b>Joseph Cooney</b>	Director, Inspectional Services	617-466-4130	jcooney@chelseama.gov
<b>City of Chelsea</b> 500 Broadway Chelsea, MA 02150	<b>Nancy Doherty</b>	Inspectional Services	617-466-4130	ndoherty@chelseama.gov
	<b>Blanca Rosado</b>	Inspectional Services	617-466-4130	brosado@chelseama.gov
	<b>Cheryl Anne Watson</b>	City Solicitor	617-466-4150	cwatson@chelseama.gov
	<b>Joe Foti</b>	Director, DPW	617-466-4200	jfoti@chelseama.gov
	<b>Andy DeSantis</b>	Assistant Director, DPW	617-466-4200	adesantis@chelseama.gov
	<b>Sanford Hampton</b>	Field Operations Manager, DPW	617-466-4200	shampton@chelseama.gov
	<b>Luis Prado</b>	Director, HHS	617-466-4090	lprado@chelseama.gov
	<b>Carlo DiMaria</b>	Mayor	617-394-2270	
	<b>James Sheehan</b>	Inspector of Buildings	617-394-2422	james.sheehan@ci.everett.ma.us
	<b>Michael Desmond</b>	Inspector of Buildings	617-394-2422	michael.desmond@ci.everett.ma.us
<b>City of Everett</b> 484 Broadway Everett, MA 02149	<b>Edward Sobolewski</b>	Local Building Inspector/ Code Enforcement	617-394-2422	edward.sobolewski@ci.everett.ma.us
	<b>Marzie Galazka</b>	Community Development	617-394-2246	marzie.galazka@ci.everett.ma.us

## Other NSP Communities

Municipality/Court	Name	Title	Phone	E-Mail
<b>Town of Falmouth</b> 59 Town Hall Square Falmouth, MA 02540	<b>Robert Whritenour, Jr.</b>	Town Manager	508-495-7320	
	<b>Raymond A. Jack</b>	Director, DPW	508-457-2543	dpw@falmouthmass.us
	<b>Eladio R. Gore</b>	Building Commissioner, Inspectional Services	508-495-7470	egore@falmouthmass.us
	<b>Brian A. Currie</b>	Town Planner	508-495-7440	falplan@falmouthmass.us
	<b>Frank K. Duffy Jr.</b>	Town Counsel	508-548-8800	towncounsel@falmouthmass.us
	<b>David Carignan</b>	Health Agent	508-495-7485	
<b>Town of Framingham</b> 150 Concord Street Framingham, MA 01702	<b>Julian Suso</b>	Town Manager	508-532-5678	town.manager@framinghamma.gov
	<b>Scott Morelli</b>	Executive Assistant, Board of Health	508-532-5678 508-532-5470	stm@framinghamma.gov health@framinghamma.gov
	<b>Jason A. Smith</b>	Chair, Board of Selectmen	508-532-5400	selectmen@framinghamma.gov
	<b>Alison C. Steinfeld</b>	Director, Community & Economic Development	508-532-5455	planning.department@framinghamma.gov
	<b>John W. Grande</b>	Director, Planning Board	508-532-5450	planning.board@framinghamma.gov
	<b>Peter A. Sellers</b>	Director, DPW	508-532-5600	
<b>City of Quincy</b> 1305 Hancock Street Quincy, MA 02169	<b>Thomas Koch</b>	Mayor	617-376-1991	
	<b>Andrew Scheele</b>	Commissioner of Public Health	617-376-1272	ascheele@ci.quincy.ma.us
	<b>Glenn Spencer</b>	Housing Code Inspector	617-376-1277	gspencer@ci.quincy.ma.us
	<b>Jay Duca</b>	Director, Inspectional Services	617-376-1450	
	<b>Jim Fatseas</b>	Chief of Staff, Mayor's Office	617-376-1991	jfatseas@ci.quincy.ma.us
	<b>Chris Walker</b>	Director, Policy, Mayor's Office	617-376-1991	cwalker@ci.quincy.ma.us
	<b>Helen Murphy</b>	Director, Operations, Mayor's Office	617-376-1991	hmurphy@ci.quincy.ma.us
	<b>Dennis E. Harrington</b>	Director, Planning & Community Development	617-376-1362	dharrington@ci.quincy.ma.us
	<b>Larry Prendeville</b>	Director, DPW	617-376-1959	lprendeville@ci.quincy.ma.us
	<b>James Timmins</b>	City Solicitor's Office	617-376-1511	jtimmins@ci.quincy.ma.us

**Other NSP  
Communities**

Municipality/Court	Name	Title	Phone	E-Mail
<b>Town of Randolph</b> 41 South Main Street Randolph, MA 02368	<b>Paul J. Connors</b>	Chairman, Board of Selectmen	781-961-0911	Isproules@randolph-ma.gov
	<b>Mary C. McNeil</b>	Building Commissioner	781-961-0921	mmcneil@randolph-ma.gov
	<b>George A. Fabrizio, Sr.</b>	Local Building Inspector	781-961-0921	gfabrizio@randolph-ma.gov
<b>City of Revere</b> 281 Broadway Revere, MA 02151	<b>Thomas Ambrosino</b>	Mayor	781-286-8110	
	<b>Nicholas Catinazzo</b>	Health Agent	781-286-8176	
	<b>Ben DeChristoforo</b>	Inspector of Buildings		
	<b>Frank Stringi</b>	City Planner	781-286-8181	
	<b>Donald Goodwin</b>	Superintendent, Public Works	781-286-8149	
	<b>Paul Capizzi</b>	City Solicitor	781-286-8166	
<b>City of Somerville</b> 93 Highland Avenue Somerville, MA 02143	<b>Joseph Curtatone</b>	Mayor	617-625-6600 x2100	
	<b>Monica Lamboy</b>	Director, Housing & Community Development	617-625-6600 x2500	
	<b>Madeleine Masters</b>	Director, Planning	617-625-6600 x2500	
	<b>Stanley Koty</b>	Public Works Commissioner	617-625-6600 x5100	
	<b>George Landers</b>	Building Inspector	617-625-6600 x5600	
<b>Town of Stoughton</b> 10 Pearl Street Stoughton, MA 02072	<b>Mark Stankiewicz</b>	Town Manager	781-341-1300 x211	
	<b>Mark Taylor</b>	Health Agent	781-341-1300 x265	
	<b>David Tonis</b>	Building Inspector	781-344-1300 x241	
	<b>Lawrence Barrett</b>	Director, Public Works	781-344-1300 x312	
<b>Town of Weymouth</b> 75 Middle Street Weymouth, MA 02189	<b>Susan M. Kay</b>	Mayor	781-340-5008	constituentservices@weymouth.ma.us
	<b>Richard Marino</b>	Director, Health Department	781-340-5008	rmarino@weymouth.ma.us
	<b>David Kaplan</b>	Health Inspector	781-340-5008	dkaplan@weymouth.ma.us
	<b>Mary Williamson</b>	Health Inspector	781-340-5008	mwilliamson@weymouth.ma.us
	<b>Robert F. O'Connor</b>	Director, DPW	781-337-5100	bocannon@weymouth.ma.us
	<b>James Clarke</b>	Director, Planning	781-340-5015	jclarke@weymouth.ma.us
<b>Roderick M. Fuqua</b>	Principal Planner	781-340-5015	rfuqua@weymouth.ma.us	

## Other NSP Communities

Municipality/Court	Name	Title	Phone	E-Mail
<b>Town of Weymouth</b> <i>continued</i>	<b>Robert Luongo</b>	Economic Development Planner	781-340-5015	rluongo@weymouth.ma.us
	<b>Jodi Lehrer</b>	Community Development Coordinator	781-340-5015	jlehrer@weymouth.ma.us
	<b>Kate Marshall</b>	Community Development Planner	781-340-5015	kmarshall@weymouth.ma.us
	<b>Jeffrey E. Richards</b>	Director, Department of Municipal Licenses & Inspections	781-340-5004	building@weymouth.ma.us
<b>Town of Yarmouth</b> 1146 Route 28 Yarmouth, MA 02664	<b>Robert C. Lawton</b>	Town Administrator	508-398-2231 x271	rlawton@yarmouth.ma.us
	<b>James Brandolini</b>	Building Commissioner	508-398-2231 x261	jbrandolini@yarmouth.ma.us
	<b>Kenneth Bates</b>	Building Inspector	508-398-2231 x259	kbates@yarmouth.ma.us
	<b>Andrew Arnault</b>	Building Inspector	508-398-2231	aarnault@yarmouth.ma.us
	<b>Karen M. Greene</b>	Director, Community Development	508-398-2231 x275	kgreene@yarmouth.ma.us
	<b>Bruce G. Murphy</b>	Director, Health	508-398-2231 x241	bmurphy@yarmouth.ma.us
	<b>Brian M. Heaslip</b>	Housing Inspector	508-398-2231 x266	bheaslip@yarmouth.ma.us
	<b>Terry Sylvia</b>	Town Planner	508-398-2231 x275	tsylvia@yarmouth.ma.us
	<b>George R. Allaire</b>	Director, Public Works	508-398-2231 x291	gallaire@yarmouth.ma.us

**Boston**

Municipality/Court	Name	Title	Phone	E-Mail
<b>City of Boston</b> One City Hall Square Boston, MA 02201	<b>Thomas Menino</b>	Mayor	617-635-4500	mayor@cityofboston.gov
	<b>Gary Moccia</b>	Building Inspector	617-961-3242	ISDhousing@cityofboston.gov
	<b>Evelyn Friedman</b>	Director, Neighborhood Development	617-635-3880	DND@cityofboston.gov
	<b>William Sinnott</b>	City Solicitor	617-635-4034	law@cityofboston.gov
	<b>Dennis Royer</b>	Chief, Public Works & Transportation	617-635-4900	publicworks@cityofboston.gov
<b>Boston Housing Court</b> Edward W. Brooke Courthouse 24 New Chardon Street 4th Floor Judge's Lobby Boston, MA 02114	<b>Jeffrey Winik</b>	Judge	617-788-6515	
	<b>MaryLou Muirhead</b>	Associate Justice		
	<b>Robert Lewis</b>	Clerk		robert.lewis@jud.state.ma.us
	<b>Michael Neville</b>	Housing Specialist		



## VII. Speaker Bios & News

# Speaker Bios

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## **Judge William Abrashkin, Executive Director**

### **Springfield Housing Authority**

wabrashkin@shamass.org

Judge Abrashkin attended Columbia College, B.A., Columbia University, M.A., and Western New England Law School, where he served as founding editor-in-chief of the law review. After graduating in 1978, Abrashkin served as a law clerk for the MA superior court, an attorney for Cape Cod Legal services, and an attorney and housing specialist for the Massachusetts Law Reform Institute. Judge Abrashkin was appointed to be First Justice of the Housing Court, western division, by Governor Dukakis, a position in which he served until he resigned last year to take the current position as Executive Director of the Springfield Housing Authority.

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## **Matthew Q. Berge, Assistant Attorney General**

### **Office of Massachusetts Attorney General Martha Coakley**

Matthew.Berge@state.ma.us

Since 1999, Mr. Berge has served as the statewide coordinator of the Attorney General's Abandoned Housing Initiative, a program to assist cities, towns and community groups develop and implement strategies to address blight created by abandoned and neglected homes. A 1987 graduate of Fordham University in the Bronx, New York and a 1990 graduate of Fordham Law School in New York City, Mr. Berge was a commercial litigation attorney in New York and New Jersey before committing his practice to the public sector in Massachusetts.

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## **Tina Brooks, Undersecretary for Housing and Community Development**

### **Office of Housing and Economic Development Commonwealth of Massachusetts**

Ms. Brooks has 15 years of experience in affordable housing finance and development. Her career began as a landscape architect with the Pittsburgh firm Environmental Planning and Design where she developed site and land plans for various community planning projects. She earned her MS in Real Estate Development in 1989 at MIT's Center for Real Estate. Following graduate school, Ms. Brooks was a development consultant with Greater Boston Community Development, now known as The Community Builders. She moved with TCB to Philadelphia and assisted community based non-profit developers in financing and completing affordable housing developments. She subsequently joined one of them as Director of Real Estate Development. In 1994, Ms. Brooks became the Program Director for the Local Initiatives Support Corporation's Philadelphia program. For more than six years she successfully introduced a series of housing and other neighborhood revitalization initiatives in Philadelphia which relied on effective collaboration with local government and the corporate and foundation community on behalf of neighborhood interests. Ms. Brooks joined GMAC Mortgage in 2001 as Vice President for Emerging Markets where she developed Employer Assisted Housing programs and affinity marketing relationships. Following GMAC's acquisition of the Low-Income Housing Tax Credit syndicator Paramount Financial Group, she moved to Paramount as Vice President of Development Facilitation. She assisted developer-clients in the financial structuring of affordable multifamily projects in Texas, Virginia and New York.

**Michael Ciota, Attorney**

**Ciota, Starr, & Vander Linden LLC**

mciota@csvlaw.com

Michael J. Ciota concentrates his practice in municipal law representing cities and towns and their boards and agencies, real estate and land use law, employment law and landlord-tenant law. He was counsel to the Fitchburg Board of Health from 1984 to January 2002. He presently serves as Fitchburg City Solicitor and has been Associate Town Counsel for Palmer representing the town's land use boards since 1987. Mr. Ciota has many years of experience representing municipalities in such diverse areas as tort/contract, zoning and demolition/regulatory takings cases. He developed, implemented and managed a multi-pronged legal strategy for collecting delinquent property taxes. Mr. Ciota has represented landlords, including owners of 1-3 family owner-occupied buildings to owners and managers of large subsidized multi-family/elderly apartment complexes, providing consultation and litigation services for often complex evictions and the many issues facing landlords. He specializes in assisting landlords in designing their businesses to avoid litigation. He currently serves as counsel to the Northern Worcester Landlord Association and contributes articles to the Association's newsletter. Michael Ciota graduated from Hofstra University of Law "with distinction" in 1974. He currently serves as a member of the Department of Public Health's Housing Advisory Committee considering revisions to the State Sanitary Code.

**Attorney General Martha Coakley**

**Office of the Massachusetts Attorney General**

Attorney General Martha Coakley has dedicated the last 20 years of her life to a career in public service. Coakley has a strong history as an advocate—not only for individuals and communities, but also for the best interests of the Commonwealth at large. Attorney General Coakley began her legal career in 1979, practicing civil litigation with the firm of Parker, Coulter, Daley & White and later at Goodwin Proctor LLP, both in Boston. She joined the Middlesex District Attorney's Office in 1986, as an Assistant District Attorney in the Lowell District Court office. In 1987, Coakley was invited by the U.S. Justice Department to join its Boston Organized Crime Strike Force as a Special Attorney. She returned to the District Attorney's Office in 1989, and in 1991 was appointed the Chief of the Child Abuse Prosecution Unit

In 1998, Coakley was elected Middlesex District Attorney. During her eight years as District Attorney, Coakley established herself as a passionate advocate for public safety, not only bringing justice to crime victims and their families, but also emphasizing the importance of working with community leaders, schools, and law enforcement in a variety of diverse and multi-faceted prevention efforts. In January 2007, Coakley took office as the first female Attorney General of Massachusetts. Since taking office, she has focused on a variety of issues affecting the citizens of the Commonwealth, including cyber crime, identity theft, home foreclosures, access to affordable healthcare, and environmental protection. Throughout her career, Attorney General Coakley has been involved in a number of community and professional organizations and boards, including the Women's Bar Association, the Dana Farber Cancer Institute, and Middlesex Partnerships for Youth, Inc. She has been honored by organizations statewide, including Mothers Against Drunk Driving, the Massachusetts Association of School Committees, and the Victim Rights Law Center. Coakley received a B.A. degree, cum laude, from Williams College in 1975, and a J.D. degree from the Boston University School of Law in 1979. Coakley resides in Medford, Massachusetts, with her husband, Thomas F. O'Connor, Jr.

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**James J. Cotter III, Attorney**

Mr. Cotter's practice focuses on real estate and landlord tenant law and real estate development. Since 2001, he has been appointed by the Boston division of the Housing Court Department to act as receiver for vacant, abandoned and substandard residential buildings. In this capacity, he has been responsible for the repair, rehabilitation, management, and sale of numerous properties in the City of Boston. He is a 1968 graduate of the College of the Holy Cross and received a juris doctor from Boston University School of Law in 1971.

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**Rita Farrell, Senior Advisor****Massachusetts Housing Partnership**

rfarrell@mhp.net

Rita Farrell joined the MHP staff in 1987 as regional director for western Massachusetts. In 1990, she assumed responsibility for all of MHP's community activity and project management, a position she held until 2007, when she was named Senior Advisor. She has over 25 years experience in housing development and public administration.

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**Scott Hayman, Director of Housing****City of Worcester, City Manager's Executive Office**

haymans@worcester.ci.state.ma.us

Mr. Hayman is currently the Director of the Housing for the Worcester City Manager's Executive Office Economic and Neighborhood Development (2000 to present). On behalf of the City Manager's office, he works closely with all city departments developing and updating citywide housing policies and strategies. He administers the City's HOME Program, Surplus Tax-Title Property Dispositions, and the City's Troubled Property Demolition and Board-up efforts. In coordination with the City Planning Director, Mr. Hayman develops Housing and Neighborhood Revitalization Plans and Strategies in coordination with CDCs and Resident Groups. Previous to his current appointment, Mr. Hayman worked for the Massachusetts Executive Office of Health of Human Services (1999-2000) providing technical assistance about supportive housing to non-profit housing and homeless services providers; and was the Executive Director of the Central Massachusetts Housing Alliance (1994-1999), a housing and homeless information and referral, counseling, advocacy and direct services organization. Prior to directing the Central Massachusetts Housing Alliance, Mr. Hayman led volunteer fundraising campaigns throughout Worcester County for the Development Office of the Salvation Army's Massachusetts Divisional Headquarters in Boston, MA.

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**Diana Horan, First Justice****Worcester Housing Court**

Diana H. Horan was appointed by Governor Celucci as Associate Justice of the Worcester Housing Court in November 1999, and she is now the First Justice. Before her appointment to the bench, she served as the First Assistant Clerk with the Housing Court from 1997-1999. Prior to her work at the Housing Court, she worked for the City of Worcester Law Department as Director of Litigation and was the first Director of City Manager's Enforcement Team, responsible for some of the most troubled buildings in the City. She worked for Greater Boston Legal Services, served as adjunct faculty for Anna Maria College and now teaches at Clark University. She graduated from Western New England College School of Law in May 1985 and the University of Connecticut in May 1982.

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**Andrew Howarth, Director of Development & Financing,**

**Worcester Community Housing Resources, Inc.**

ahowarth@wchr.org

Andy Howarth has been the Director of Development for WCHR since 2001. In that position, he brings more than 30 years of experience in housing rehab, development, finance, and non-profit management from a variety of positions in the public and private sectors.

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**Jonathan Kaye**

**Combined Resources**

Since 1981, Combined Resources Company (CRC) has been involved in the acquisition and development of low/moderate income housing in Dorchester, Roxbury, Lowell and New Bedford, Massachusetts. CRC has undertaken the acquisition, rehabilitation, and management of numerous troubled or abandoned inner city residential properties. CRC has acquired properties for their own account as well as partnering with institutions such as Shawmut Bank (now Fleet Bank) and undertaking projects with the City of Boston and the State through the Department of Neighborhood Development. CRC has traditionally employed local residents and "at-risk youth" through such programs as Youth Build to perform construction services. Jonathan Kaye was previously hired by Mayor John Bullard of the City of New Bedford, under a \$3 million OSAP Grant, to organize a city-wide anti-drug campaign. Kaye is a member of the Dorchester Housing Action Team, an organization founded to expedite inner-city housing development and neighborhood improvement. Most recently, CRC was appointed by the Attorney General of Massachusetts and the Inspectional Services Department as a receiver to re-develop abandoned properties in the City of Boston.

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**Stephanie Pasquale, Loan Fund Director**

**Worcester Community Housing Resources, Inc.**

spasquale@wchr.org

Stephanie Pasquale has been with Worcester Community Housing Resources (WCHR) as the Loan Fund Director since 2007. She joined WCHR after serving as a community development consultant to housing organizations in New York and New England. Prior, she was the Deputy Executive Director of Home Headquarters, Inc. in Syracuse, NY for more than five years. She holds a BA and Masters in Public Administration from the Maxwell School of Citizenship and Public Affairs at Syracuse University.

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**Frank Russell, Attorney**

**Malden Redevelopment Authority**

ffrussell@comcast.net

Attorney Frank F. Russell concentrates his practice in the areas of civil litigation and municipal law, especially housing and code issues for which he serves as counsel to the Malden Redevelopment Authority and several other municipalities. He is a recognized authority on housing receiverships, with over 12 years experience in representing municipalities and receivers. He is a former assistant city solicitor in Somerville and Malden. He has written and spoken about code issues and housing receiverships, most recently to the City Solicitors and Town Counsel Association. He is president of the First District Eastern Middlesex Bar Association and treasurer of the Middlesex County Bar Association.

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**Stuart T. Schrier, Partner****Schrier & Balin, PC**

Since graduating from Boston University School of Law in 1981, he has practiced real estate law representing purchasers, sellers, and lenders in commercial and residential real estate transactions, representing developers with planning and zoning, leasing and evictions. He served on the faculty of MCLE's "How to Take the Distress Out of Abandoned Housing" seminar and has taught several courses on real estate law and landlord tenant law for the National Business Institute.

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**Matthew E. Wally, Executive Director****Worcester Community Housing Resources, Inc.**

[mwally@wchr.org](mailto:mwally@wchr.org)

Matt Wally has served as Executive Director of Worcester Community Housing Resources, Inc., since August 2007. He is a graduate of The College of The Holy Cross, and holds a master's degree in Community Development and Planning from Clark University. He serves as chair of the Greater Worcester Habitat For Humanity Site Selection Committee, on Preservation Worcester's Urban Design Committee, and as a Board Member of Matthew 25, non-profit affordable housing development organization.

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**Honorable Jeffrey M. Winik, Associate Justice****Massachusetts Housing Court**

Judge Winik was appointed as an associate justice of the Housing Court in 1995, and has served as the first justice of the Boston division since April 2004. Judge Winik chairs the Housing Court's education committee and time standard's committee. Judge Winik received a bachelor's degree from the University of Michigan in 1971, a master's degree from University College, University of London in 1972, and a juris doctor from the Boston University School of Law in 1975. Upon graduation from law school, Judge Winik served as an investigating attorney for the N.Y. Commission on Judicial Conduct in New York City. He returned to Massachusetts in 1976. From 1976 to 1978, he worked as a staff attorney at Greater Boston Elderly Legal Services/Greater Boston Legal Services. He specialized in federal and state housing issues. In 1978, Judge Winik joined the faculty at Boston University School of Law, where he taught for ten years. In 1988, Judge Winik went into private practice, where he specialized in real estate, land use, and housing litigation. From 1991 until his appointment to the bench in 1995, Judge Winik was a partner with the Boston law firm of Cohen & Winik. Since 2000, Judge Winik has taught housing law as an adjunct professor at Boston University School of Law.

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**Helen Zucco, Executive Director****Chelsea Corporation for Economic Progress**

[hzucco@chelsearestitution.org](mailto:hzucco@chelsearestitution.org)

Helen Zucco is the Executive Director of the Chelsea Restoration Corporation (CRC) and is a lifetime resident of Chelsea who has been part of CRC since its inception since 1977. Until 1983, she served as the Clerk of the Board of Directors at which time she was appointed President of the Board. She retained this position until 1987, at which time she was offered and accepted the position of CRC's Executive Director. Over the past 13 years, she has been an active force behind all CRC Receivership projects and continues to work closely with the community of Chelsea, City Hall, various contractors, and other professionals to ensure the accessibility of housing to the low- and moderate-income populations in Chelsea. In October 2003, Ms. Zucco was honored for her work in the Chelsea community by receiving one of six prestigious Lifetime Achievement Awards from the City of Chelsea, and in 2007, she received the Lifetime Achievement Award from the Chelsea Collaborative.

## Revere, nonprofit aim to take, renovate abandoned houses The Boston Globe

By John Laidler, Globe Correspondent | April 26, 2009

Concerned about the growing number of abandoned homes in the city, Revere is seeking to bring some of them back into productive use.

The city is working with a local nonprofit to acquire and rehabilitate an abandoned three-story home at 60 Warren St. with the goal of selling it at an affordable rate to a first-time homebuyer. City officials hope the project will be the start of an ongoing effort to revitalize vacant dwellings.

"These properties become real problems in neighborhoods when they are not kept up," said Mayor Thomas G. Ambrosino, estimating there are about 100 abandoned homes in Revere. "The city is constantly spending money to cut the grass, to board them up so kids don't break into them. It's a real problem for the city."

The city and Chelsea Restoration Corp. are using court receivership to return the Warren Street home to use. At the city's request, a Chelsea District Court judge last August appointed the agency receiver of the property for the purpose of renovating it.

Noting that it took some time to line up financing for the project, Ambrosino said the city could move quicker to turn around other abandoned homes if it secures funding from the federal stimulus package that he expects will be set aside for local housing initiatives.

"If stimulus money becomes available to facilitate these kinds of efforts, it would be very helpful. If the city had a lump sum to use to acquire properties and renovate them, it would make the whole system much easier," he said, noting that the city could also use the money to finance renovations to properties placed in receivership.

The Warren Street house has been vacant for several years and "is a source of nuisance for the abutters in the neighborhood," said Frank Russell, a local attorney hired by the city to assist with the project. Already in poor condition, the building was damaged by a fire about a year and a half ago.

City officials issued several notices to the owner and mortgage companies that hold loans for the property to correct code violations, but "they failed to take action to correct the problem," Russell said.

The city enlisted the help of Chelsea Restoration Corp., which has worked with Chelsea to renovate about 10 homes in that city through the receivership process.

"Receivership is really the best way for a city or town to put back on the tax rolls a boarded-up building that has become a problem within an area," said Helen Zucco, executive director of the 32-year-old agency, whose overall mission is to help families obtain affordable housing.

Zucco noted that in addition to Chelsea, Malden has actively made use of the receivership process to target abandoned homes. She said the state attorney general's office actively encourages communities to use receivership as a tool for addressing abandoned homes.

Russell said state law allows the court to appoint a receiver if the community can demonstrate that a property has significant state sanitary code violations that impair the safety of current or potential occupants; that the violations were not caused by tenants; and that the owner does not have the ability to remedy them.

Although the owner continues to have title to the real estate, the receiver has the power to take charge of the property to carry out the directions of the court. In the case of the Warren Street house, the receiver is assigned to renovate the building so that it can be returned to use.

After it became the receiver, Chelsea Restoration Corp. began seeking financing for the renovation. Zucco said

Danversbank, which has a branch in Revere, provided a low-interest loan of \$230,000, while the North Suburban Consortium awarded a \$55,000 no-interest loan from the federal HOME program, which supports affordable housing. The consortium provides funding for affordable housing in eight area communities.

In the next few weeks, a contractor is set to begin the court-approved renovations, which will involve restoring the fire-damaged upper floor; installing new plumbing, electrical systems, and windows; painting; and exterior work.

The renovations are expected to be completed by midsummer, at which time Chelsea Restoration Corp. will submit a final accounting of the work and costs involved to the court for approval.

Provided it receives that approval, the corporation would be required to give the owner and mortgage companies the right to redeem the property by paying the full renovation costs and a developer's fee. If they do not exercise that right, the receiver will move to sell the property to an income-eligible buyer. Zucco said her agency would seek additional financing to subsidize some of the cost of the sale.

"This is a good model for cities and towns to use," Russell said. ■

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# EXTREME MAKEOVER: Worcester Edition

City's receivership program could be model for state

Michael O'Rourke is the receiver for 17 Clapp St. in Worcester. A program unique to Worcester is helping to streamline the receivership process to clean up distressed properties.



PHOTO/DO. COTE

BY LIVIA GERSHON  
Worcester Business Journal Staff Writer

Michael O'Rourke, a Worcester real estate developer, recently found himself looking at a building that he was considering working on.

"There's all kind of rat feces and rubbish around, and [a tenant] said she had icicles in her living room over the winter," he said.

It might not sound like the kind of property most people would want to take responsibility for, but O'Rourke, who runs Worcester County Management Corp. and O'Rourke Construction Services

Inc., wasn't considering buying it. He's looking to become a receiver for the building as part of a Worcester City program that could be a model for communities all over the state.

### After Foreclosure

Receivership itself is not a new concept. For years housing courts, including Worcester's, have assigned receivers to take care of blighted buildings whose owners went missing or were unwilling to address code violations. Receivers collect rent and use the money to

>> Continued On Page 10



help make the repairs. A high-priority lien for all costs incurred is also placed on the property.

As foreclosures of multi-family homes became an increasingly serious problem in the city last year — and huge out-of-state banks proved unsuited to manage the buildings they foreclosed on — the Massachusetts Housing Partnership joined together with city and court officials to create a pilot program to streamline the receivership process.

Key to the initiative was selecting the nonprofit Worcester Community Housing Resources as an administrator responsible for helping assess properties' needs, find receivers like O'Rourke and channel various public loan funds that can be used for property repairs. MHP set up a similar system in Springfield and is now working on one in New Bedford.

"The model of having a program administrator as far as I know isn't happening anywhere else in the commonwealth," said Rita Farrell, a senior adviser with MHP.

### **Improved Outcomes**

Matthew E. Wally, executive director of Worcester Community Housing Resources, said that since the program started last spring, 20 properties totaling 77 units have entered the new process. Thirty-four of those units have gone through the receivership process, and 26 ended up being repaired by the owner. That second outcome is also considered a success for the program, Wally said, "because it's almost the threat of receivership that forced the owner to respond."

Ideally, Wally said, once the properties are repaired and brought up to code, they will be purchased by a responsible owner. So far, that hasn't happened for any of the buildings in the program, but both Wally and Farrell said the main point isn't to get them through the system quickly.

"The beauty of the receivership is it stabilizes the property," Farrell said. "As long as the properties are managed properly, that's the goal."

Many of the receivers that manage prop-

erties in Worcester are nonprofits, including WCHR itself as well as local community development corporations. But some, like O'Rourke, are business people hoping to make some money while supporting Worcester neighborhoods.

O'Rourke has already been officially designated as a receiver for one multi-family building, and he's considering a second one. With the construction market at a low point, he said, his construction business could use the work repairing the properties. He said he can do the work himself as long as he offers proof that he paid himself at fair market rates.

"We're slow, and it's a good fill-in," he said.

Besides, O'Rourke said, improving the city by cleaning up run-down buildings is in his own long-term interest.

"All my property's in the city, so I don't want to see the city go bad because it brings everybody's property down," he said.

Over the last few months, MHP and the state Attorney General's office have received \$635,000 in federal funding to continue and expand the receivership efforts. Farrell said that money will help support the three existing pilot programs and provide trainings targeted to 39 communities that are eligible for neighborhood stabilization funds. In Central Massachusetts, Fitchburg, Framingham, Leominster, Marlborough and Milford could all benefit from the trainings, which will be held in May and June.

"In many communities we're just introducing the whole concept of receivership," Farrell said.

She said smaller towns may not have full inspectional service departments and may not even realize the tool is available.

As part of the new collaboration, the Attorney General's office also has assistant attorneys general available to offer technical assistance to the communities.

Meanwhile, O'Rourke says it's too soon to tell whether his part in the Worcester program will be worth the effort, but he said he's hopeful.

"I really think it's going to work out," he said. "I think it's going to help the city too." ■

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## Friends in need

### Low-income homeowners rescued by a low-key corporation



Nellie Perez at her three-decker on Princeton Street in Worcester, which she has been renovating with the help of a local organization. (T&G Staff Photos / PAUL KAPTEYN)

By Martin Luttrell TELEGRAM & GAZETTE STAFF  
 mluttrell@telegram.com  
 2 comments | Add a comment

**WORCESTER** — Nellie Perez recalled trying to heat her home with the antiquated gas stove in the kitchen while the wind rattled the windows and blew cold air inside.

Having bought the three-decker on Princeton Street a few years before, the teacher's assistant did not have enough equity in the property to qualify for a conventional bank loan to install a heating system, replace the windows and put siding over the crumbling asphalt shingle siding.

But her brother steered her to Worcester Community Housing Resources Inc., which assessed her needs and income and gave her a \$31,000 loan that paid for the upgrades, as well as replacing the three rear decks and clearing out overgrown bushes at the side of the

#### Current loan portfolio summary

Loan sub-fund	Total committed/total	No. of loans	% of loan fund
<b>Housing loans to individuals:</b>			
Home improvement	\$450,485.74	20	18.7%
Down payment assistance	\$3,300.00	1	0.1%
Emergency loan fund	\$15,716.48	3	0.7%
Foreclosure prevention	\$282,193.36	17	11.7%
WCHR Development activities	\$389,826.80	5	16.2%
Affordable housing loans	\$512,317.55	4	21.3%
Small business loans	\$79,809.41	2	3.3%
Home again loan fund	\$42,500.00	1	20.5%
NPO Facility improvements (non housing)	\$18,761.83	2	0.8%
Receivership loan program	\$42,500.00	2	1.8%
Loan loss reserve	\$17,084.13	0	4.9%
<b>Total</b>	<b>\$2,403,995.30</b>	<b>57</b>	<b>100%</b>

TAG Staff/STACEY ARSENAULT

Enlarge photo

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house.

"This has been wonderful, she said, standing in her living room and pointing to the baseboard heaters that run off a gas heating system in the basement. "Before, you couldn't close the doors. The heat had to go from the stove into all the rooms."

Ms. Perez is one of 25 city residents to benefit from the Community Loan Fund, a little-known program administered by the nonprofit organization. She is paying 6 percent interest on the 10-year loan.

"Without this, I would have to wait for help from my family," she said. "That would take years."

Referred to by its administrators as a fund for investors who are socially responsible, the loan fund has disbursed more than \$8.6 million to more than 200 families for home improvements, down payments and foreclosure prevention loans.

The program has also been tapped for the construction and renovation of more than 225 units of affordable housing across the city.

At its inception in 1985, the loan fund was the vehicle for a number of area churches to help needy families meet their housing needs. Since then, several credit unions, area foundations and learning institutions have become investors, and the fund now has a pool of \$3.2 million, with 56 investors.

"The organization's mission is to increase the supply of affordable housing and to revitalize neighborhoods in Worcester," said Matthew E. Wally, executive director of Worcester Community Housing Resources.

With an aging housing stock and many low- and moderate-income owners without enough equity to obtain conventional loans, the loan fund will help those who need repairs to meet building code or to make their homes more energy efficient, he said.

This year, for the first time, city Community Development Block Grant funds were awarded to WCHR, which is using them to manage and make repairs on foreclosed properties and others that have been placed in receivership by Housing Court. In many cases, emergency repairs must be made or rental property managed, with no landlord around to take care of the property, he said.

"We want to stabilize those properties and not displace the tenants," Mr. Wally said.

Scott M. Hayman, director of housing for the city of Worcester, said the rising rate of foreclosures prompted the city to establish the receivership program last November, with WCHR acting as the receiver for some distressed properties.

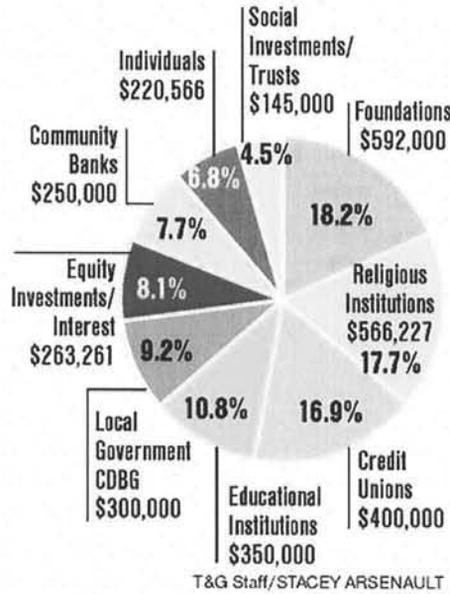
Mr. Hayman credited WCHR and its loan fund for stabilizing the Elm Park neighborhood in the 1990s, when the area was deteriorating.

"The proof is in the pudding," he said. "The area is doing well. We felt at the time that it was a transitional neighborhood that could go one way or the other. We've been very pleased with their work."

More recently, the Main South Community Development Corporation borrowed \$200,000 from the loan fund to complete the construction of six condominium units that will be sold at Main and

## Community loan fund

Summary of investment composition:  
Total investments/commitments:  
**\$3,247,055 (56 investors)**



Enlarge photo



Nellie Perez, in the kitchen of her three-decker on Princeton Street  
Enlarge photo

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Wyman streets, and Economic Development Finance Corp. is using gap financing to construct a building of 60 apartments and 10,000 square feet of commercial space at 661 Main St.

Rev. Robert S. Batchelder, president of the Worcester Area Mission Society in Auburn, recalled the loan fund being formed in 1985 after a working group of area clergy raised some money and put a budget together. In its early years the fund provided gap financing for community development corporations working on renovating rental properties or projects for first-time homebuyers.

In the early 1990s the fund merged with the Worcester Housing Partnership, which also assembled financing for housing, he said. At the time, the Elm Park area was becoming a concern to the city, and the loan fund took on a different role, he said.

"We would acquire units, renovate them and sell them to first-time buyers. We used the loan fund for financing," he said.

During that time, a number of credit unions, area foundations and colleges became investors, he said, and now more individual investors have been drawn to its steady returns and social mission.

"When an investor invests with us, they get a small rate of return," said Mr. Wally. "No member of the loan fund has lost money. It's been about 2 percent. In this economy, that's pretty good. ... The delinquency rate on loans is less than 1 percent.

"They see a greater purpose, and they're using the resources of WCHR for their mission of civic responsibility. ... Their money is going to the community. It's a way of doing it on a greater level than an individual could do alone."

Karen E. Duffy, president and chief executive officer of Worcester Credit Union, said her company has had \$200,000 invested since 2000.

"The Division of Banks encourages us to invest in the community," she said. "We feel it's very safe, and used for a good purpose."

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Matthew Wally, executive director of Worcester Community Housing Resources. (T&G Staff/CHRISTINE PETERSON)  
Enlarge photo

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Trying Anything And Everything

## City Managers Fight Back In Foreclosure Crisis

By Ian B. Murphy

Banker &amp; Tradesman Staff Writer

Today

Massachusetts' urban centers have been the hardest hit by declining property values, and city managers are scratching and clawing to keep neighborhoods intact and stabilized.

In cities like Worcester and Springfield, when the rightful owner can't be determined or refuses to maintain the property, the cities are taking maintenance into their own hands to protect the residents and the value of their homes.

Worcester and Springfield have collaborated with the Massachusetts Housing Partnership (MHP) to promote a robust receivership program to keep homes heated and habitable, not abandoned and boarded up.

When inspectors see a building that is a danger to its tenants, violates the sanitary code, or has already been abandoned, the cities' machinery springs into action. The owner of record, whether a person or a lender, is contacted to resolve the issues immediately. If the owner is unresponsive, the city petitions the housing court to name a receiver to act as custodian for the property.

The receivership statute has been on the books since 1993, but the law hadn't seen wide use until the most recent housing crisis, said Rita Farrell, senior advisor to the MHP.



Realtors have little worry about Boston's condo market.



Rita Farrel

Farrell said receivers can collect rent, make repairs, or borrow money to improve the condition for the property. All costs, including compensation for the receiver, are recorded as a high priority lien on the property, regarded second only to municipal liens and before all other debts.

The city of Boston has declined to take part in MHP's receivership program, relying instead on Mayor Menino's Foreclosure Intervention Team (FIT) instead.

The team works to improve particularly foreclosure heavy neighborhoods, like the Hendry Street area in Dorchester, or Dacia-Quincy Street and Langdon-Clarence Street areas, both in Roxbury.

The FIT plan hinges on fixing up those neighborhoods in order to keep property values intact. The city attempts to do this by increasing police activity, improving streets, removing graffiti, adding street trees and stepping up Boston's sanitary code enforcement in those areas.

Lisa Timberlake, a spokesperson for Boston's ISD, said while the city isn't participating in MHP's expanded program, it will still apply for receivership as a last recourse.

"If the property is not up to code, and deemed unfit for human habitation, and we're in the court system and nothing is being done, we can file for a receivership," Timberlake said. "We have to take control of that property, board it, control it and put a lien on that home for the costs."

For 22 years, Judge William H. Abrashkin served as first justice of the western division of the housing court department of the

Massachusetts trial court in Springfield. In the winter of 2006 and 2007, when energy costs were very high, he began to rely heavily on the receivership statute to help residents deal with heating woes. Abrashkin saw approximately 40 cases where code enforcements were brought to the housing court because rightful property owners couldn't be found.

"The practical problem that arose was that the cases come up very fast ... with very little time to work with, and it's really hard to find a receiver," Abrashkin said. "It turned out to be quite a daunting and difficult challenge to find a receiver and get them into place before people had to lose their homes and end up on the street."

With this in mind, Springfield began to streamline their receivership process. Receivers were lined up and trained, and the city created a list of go-to property managers or agencies that would take control and maintain the property.

So when the sub-prime foreclosure crisis smashed it in the teeth starting in the fall of 2007, the city wasn't totally unprepared.

Worcester also started to see people walking away from their homes in 2007, and the city manager scrambled to put together a program to slow down the massive devaluation, displacement and disruption that comes from property abandonment.

The city manager, Michael O'Brien, reorganized the Inspectional Services Department (ISD), and then sifted through the city's data and created a metric that could predict where abandoned properties might pop up, according to Scott Hayman, the city manager housing director.

The ISD did sweeps of those neighborhoods and referred sanitary code violations to the housing court, trying to stay on top of the wave of abandoned properties.

The city then reviewed rules and ordinances regarding those properties.

"That's when we decided to dust off our receivership program," said Hayman. "It's been great, both on the human side because we've helped many tenants, and to stop the decline of the property."

Receivership is often the cheaper alternative, anyway.

"The cost for us to board up, condemn and relocate people would exceed the cost of receivership," Hayman said. "We really feel strongly of keeping people in place and keeping them operating is a far better alternative.

"Just the threat of receivership has been enough to flush out the responsible parties."

Abrashkin, who stepped down from the housing court to serve as executive director at Springfield Housing Authority in July 2008, said having the actual owner step up is the court's best-case scenario, but when properties are too far gone that rarely happens.

Often banks claim not to know that their interest is in the property.

"They just bought the commercial [security]," Abrashkin said. "They're surprised that the farther you go in the legal foreclosure process they become responsible for the property."

Abrashkin said all stakeholders in an abandoned property, including banks, are helped by the receiver fixing the property.

"The stakes for the residents in these cases are very high," said Abrashkin. "They stand to lose their homes and be on the street. The stakes for the property owner and the bank are high, because of the value of the property. [Receivership] tends to keep the value higher, because it's opposed to the property being condemned.

"The community has a very direct interest in trying to not let these properties deteriorate past a certain point. When these properties get condemned and boarded up, it has a direct draining effect on the value of the rest of the neighborhood."

In January, MHP started working with Worcester and Springfield to help train, fund and administer a more robust receivership program. MHP is working with local housing advocacy groups and non-profits to pre-qualify more receivers and do cost assessments for eligible homes.

Right now, multi-family homes are more likely to go into receivership, according to Farrell. However the program is gaining steam; MHP recently received a \$165,000 grant from the state's Department of Housing and Community Development.

Farrell said MHP plans to bring their receivership program to New Bedford in the coming weeks, and hopes that it will expand further in Massachusetts because cities need all the help they can get.

"A lot of cities can't hire, so there are hiring freezes," she said. "There is a huge burden when there are that many properties where owners aren't taking responsibility."

Lucy Warsh, spokesperson for Boston's department of neighborhood development, said the mayor has been tracking foreclosures in Boston since 2005. Some of the mayor's programs overlap with MHP; Boston and the state still work together to stem foreclosures in Boston's hardest hit neighborhoods.

# CHELSEA RECORD

FRIDAY, SEPTEMBER 17, 1999

## Open house next Tuesday to unveil renovations to ex-Chelsea 'drug house'

Chelsea Restoration Corporation (CRC) is holding an open house at 24 Marlboro St. next Tuesday (Sept. 21), from 4-7 p.m., for all interested neighbors and community residences to view the completed rehabilitation project there. The house is to be sold to a first-time homebuyer through a lottery that is scheduled for sometime in October.

Once called the "Home Depot of Drugs" by the Chelsea Police Narcotics Unit, the notorious Smith family owned the house for 25 years. Police records indicate that many family members residing in the house were deeply involved in the local drug trade since they purchased the home in 1975. In the last decade alone, four search warrants have been executed at the house, yielding heroin, cocaine and ammunition. Most former residents have extensive criminal histories, and due to the diligence of the Chelsea Police four have recently served jail time for drug activities that took place in the property.

Smith family members terrorized the Marlboro Street neighborhood, and though the police often arrested them for illegal activities, they were difficult to eradicate. The family owned the house and family members continually returned there after jail time to resume their activities.

It was only through the coor-

dated efforts of the Five Most Wanted Program, the Safe Neighborhood Program, the Marlboro Street Tenants Association, the Chelsea Narcotics Department and the US Attorneys office that the threat of drug seizure forced the family to sell the property.

At the request of the Five Most Wanted Program, Chelsea Restoration Corporation, a local non-profit housing development agency, purchased the property with financial assistance from the Massachusetts Small Cities Program, the North Suburban Consortium HOME program and Chelsea Provident Cooperative Bank. CRC hired a contractor to rehab the property and now plan to sell it to an owner occupant who will live in one unit and rent out the other. Eight families have applied for the lottery and the house will be sold for \$160,000.

Neighborhood residents are ecstatic. They claim that they never would have believed any one if they had been told two years ago that the Smiths would be evicted from this house, that it would be fixed and sold to a good, hard-working family willing to pay \$160,000.

"It didn't seem like anything was going to change. But now the house is done and Marlboro Street is really better," said one neighbor.

# A clean sweep!

## Convicted felons helping to correct abandoned properties in Chelsea

Part 1 of 2

By KAREN MINICH  
News Staff

CHELSEA - Garbed in bright orange shirts embossed with the "Rouse t'bouts" logo, a group of eight men swiftly boards up an abandoned and dilapidated house in Chelsea. But these are no ordinary workers, they are actually Suffolk County inmates earning a meager 50 cents an hour while they pay their debt to society.

"Restitution through restoration" - that's the mantra for the Suffolk County Sheriff's Department's Rouse t'bouts community works program. The program was revived in 1996 by Suffolk County Sheriff Richard Rouse. It has since been used successfully in Boston for over three years.

Now Rouse t'bouts is being used in Chelsea in conjunction with several other initiatives in an effort to eliminate abandoned, dilapidated or sub-standard housing.

"Several years ago, prior to my coming to the Sheriff's Department they used the program to board up drug houses in Boston," explained Rouse. "It worked so successfully there ...we were able to expand it. It's a great activity for the inmates, it help us with overcrowding



**CUTTING COSTS AND CORRECTING PROBLEMS...**  
Suffolk County Rouse t'bouts inmates boarded up 66 Pearl St., which was recently taken through receivership. The cost to taxpayers for the eight inmates was \$0.50/hr, per person.

Photo by Al Terminiello

and gives them [inmates] some skills."

Only the "highest level" inmate is chosen for the coveted slots, said Rouse. Most of the inmates have been through substance abuse recovery programs and have proven that they are trustworthy. Many of them are also nearing the end of their

sentences. Not all prisoners are eligible for the program, absolutely no sex offenders are chosen.

"There is a long line to get into this. There are over 3,000 inmates and only 100 slots," ex-

See Sweep, page 3

# Sweep

Continued from page 1

plained Rouse.

"These are inmates that have the most freedom in the institution - it's a real privilege. If they betray that trust in any way they get a different classification," added the Sheriff. "No one wants to be incarcerated and a loss of freedom is always difficult, this program restores some dignity to the people who lost it - they want to be productive too."

The inmates in the program are doing a great service to Chelsea residents. They have already assisted in cleaning up several city-owned lots and boarded up at least two abandoned buildings, 56 Heard St. and 66 Pearl St.

The city called on Rouse t'bout's to help them with 56 Heard St. a property that was dubbed a "house of horrors" after code violations and other conditions made it a fire hazard.

Under the watchful eye of a Correction's Officer, inmates helped clean out the house, which was put into receivership by the state earlier this year.

According to the state appointed housing receiver, Chelsea Restoration Director Helen Zucco, one of the most valuable tools the city has is the Suffolk County Sheriff's office. Inmates cleared 17 30-yard dumpsters of trash from the Heard Street home for a minimal cost.

"It would've cost thousands to have someone come in and do that," said Zucco. "It's an extremely effective tool that can be used to attack and abate our nuisance properties in an expedited manner, and it saves tax-

payers money by using inmates from the Rouse t'bout's program."

By using the inmates to board up properties, the city not only saves money but also eliminates potentially dangerous situations. Not all properties are eligible for this board up service.

"It's against the law for any building to be open to the weather - they're deemed unsafe structures," said Chelsea Inspectional Services (ISD) Director Joseph Cooney. "Through this program we can quickly and efficiently alleviate the problem, eliminating hazards to nearby residents and relieving some of the blight."

Rouse is careful to note that the program is not in competition with the private market.

"The city of Chelsea would select the location and if there is any criminal background then we can come in. ...We do projects that wouldn't ordinarily get done," he added.

In fact, Rouse t'bout's inmates can only work on state or city properties, non-profits and private properties are not eligible for the program.

"I'm 100 percent behind the program," said Cooney. "It's an

extremely effective program that can be used to attack and abate our nuisance properties in an expedite manor, and saves taxpayers money."

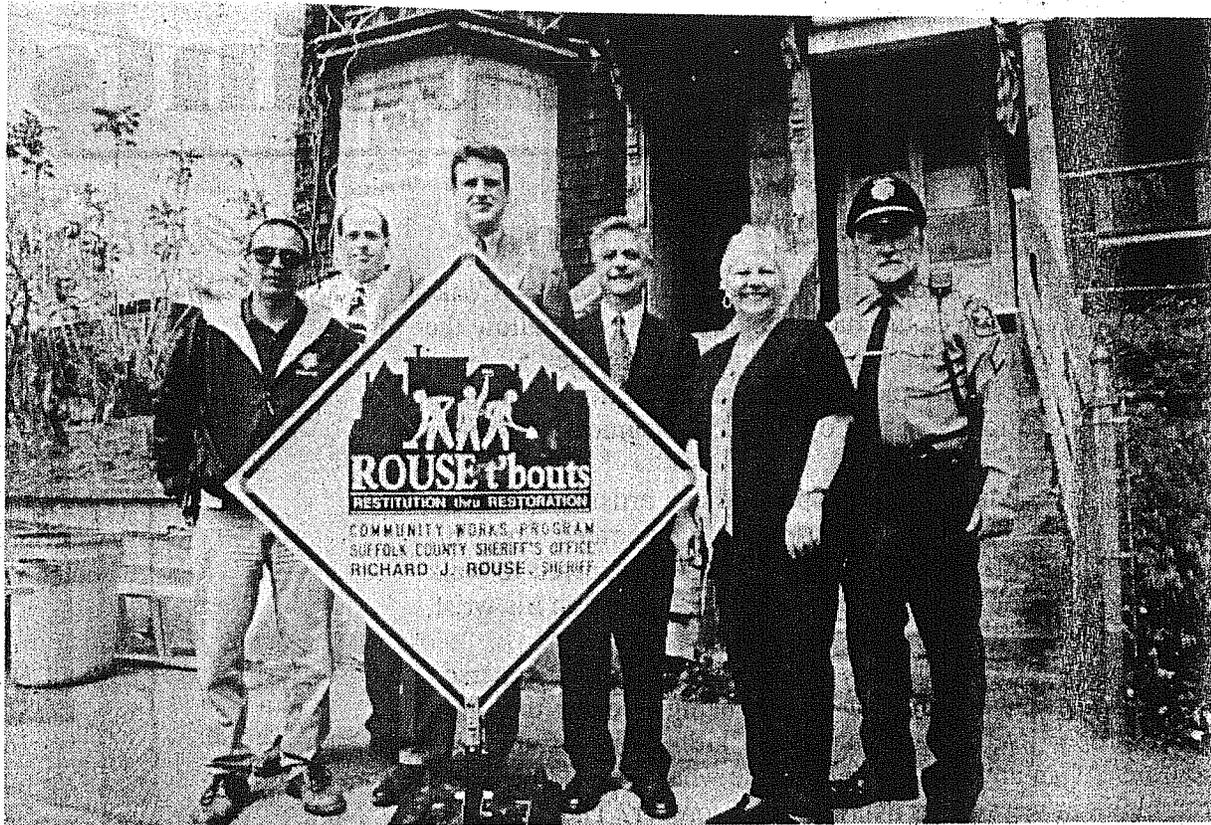
To help keep the program running in Chelsea, three city departments - ISD, Planning and Development and Public Works - all contribute supplies, such as plywood and tools, which are used to board up or repair homes.

Rouse hopes that the Program not only repairs and restores the community, but also the pride inmates have in themselves.

"We work with the people inside the prison and try to show them that a life of sobriety and responsibility is a better way to go," stated Rouse. "This program is effective because if one property is a blight on a

neighborhood it can have a cancerous effect. If you put one coat of paint on a house, others houses will follow."

*(Part 2: Friday, take a look at how state appointed housing receivers and court action are working to eliminate and alleviate abandoned and dilapidated properties)*



**RESTITUTION THROUGH RESTORATION IN CHELSEA... Inmates from the Suffolk County Sheriff Office Rouse t'bouts Program are boarding up or repairing dilapidated houses in Chelsea. The program is just one tool being used to make abandoned property safe at minimal cost to the taxpayer. Shown are (l-r) Rouse t'bouts Coordinator Richard Pacitti, ISD Director Joseph Cooney, Planning and Operations Director Jay Ash, City Manager Guy Santagate, Chelsea Restoration Director Helen Zucco and Suffolk County Sheriff Sgt. Robert Griffin.**

Photo by Al Terminiello

# 'Housing receiver' helps to reclaim the city

## Turning bad parcels into good houses

Part 2 of 2

By KAREN MINICH  
News Staff

CHELSEA - Receivership and court action are becoming two of the most effective tools in Chelsea's struggle to beautify and reclaim its neighborhoods.

While there are no local statistics to support this theory, both police and residents agree that one dilapidated or abandoned property can lead to an increase in crime and vandalism in a neighborhood. It can also have a negative impact on property values and the overall morale in a neighborhood. Some call it the "Broken Window" Theory.

With so many new homebuyers coming into Chelsea, city officials are striving to eliminate the often-times forgotten or chronic properties that bring the neighborhood and ultimately the city down. The first line of attack is the city's Inspectional Services Department (ISD).

The problem of abandoned

### Taking responsibility for your property

- See editorial on page 4 -

and sub-standard housing in Chelsea is shrinking thanks in part to the aggressive work of ISD, which routinely inspects these properties. With each unpaid citation, the city has more ground to stand on when it finally takes a landlord to court.

Sometimes the threat of court action is enough to gain compliance, however in some cases, the landlord cannot be located. Court action can include stiffer fines or mandates to correct their property. Failure to appear for court or respond to court orders can result in warrants for the property owner's arrest.

The city council recently ratified a nuisance ordinance which would prevent houses from being boarded up for too long. ISD has notified several property

See Receiver, page 2

## Receiver

Continued from page 1

owners of pending action if they do not revitalize their property.

"We've already had one landlord come forward to renovate two of his properties because of this," said ISD Director Joseph Cooney. "The City Council deserves credit for this ordinance... it truly gives us [ISD] a much-needed avenue to get landlords to improve Chelsea's housing stock.

"We can now target severe properties and can expedite the process of improving these downtrodden sites. When that doesn't work then we look at receivership," explained Cooney.

The real estate frenzy of the late 1980s lead to many people warehousing cheap property in the hopes of turning a large profit when real estate prices increased. In the meantime, however, property owners simply let the sites go unattended and into disrepair.

Attorney General Tom Reilly's Abandoned Housing Training Manual explains that mortgagees or creditors are usually reluctant to foreclose on their liens. They are concerned that there is no available market for the property at foreclosure because the site doesn't comply with building code requirements. So creditors simply do nothing.

A municipality's hands are also tied. Though they may be owed taxes, and even have liens on the property, the city doesn't have the means to demolish or restore the property so the problem remains. Furthermore, illusive or uncooperative owners make reimbursement a futile effort. Thus, often the best the city can do is board up the building.

"The true losers in the scenario are the occupants, abutters and neighbors of the property who daily must face the impact of having a dangerously deteriorating property," states the manual.

In 1993, a Receivership Statute was added to Massachusetts General Law to help turn this losing situation into a winning one.

Under receivership, the court appoints a receiver or caretaker to oversee the rehabilitation of a residential property with persistent and unremedied code violations. The law is geared toward chronic problem properties, and is used sparingly.

Generally, the receiver takes out a loan to correct the problems, and costs and expenses incurred by the receiver while fulfilling their role become a part of the overall lien on the property.

"It's abandoned houses that are a threat to the neighborhood," said Stephanie Bode Ward, Chelsea Housing Development Project Manager. "Receivership has been a valuable tool when the owner has let the property go - it fast tracks situation."

Ward also coordinates the "Five Most Wanted" list which tracks problem properties. A committee consisting of multiple city departments determines which properties need to be targeted.

In the last three years, receivership has been used at three times in Chelsea: 226 Clark

Ave.; 56 Heard St.; and 66 Pearl St. In each case the appointed receiver has been Chelsea Restoration Corporation, a non-profit organization.

"The point of the program is so people can go back into the neighborhoods and to assist the community to taking back their neighborhoods," said Chelsea Restoration Director Helen Zucco.

Zucco explained that with a property like 56 Heard St. the city was left with little else it could do. ISD and Fire Inspectors had been communicating with the owner since 1991 and had taken him to court. Finally the house was declared a fire hazard and board up for safety reasons.

"The ultimate goal is to have the homeowner take care of the problem so we can remove the blight in the neighborhood," Zucco noted. "But with Heard Street, it was either too overwhelming or couldn't afford it."

The owner died shortly after the house was taken by receiverships, and his relatives had no interest in claiming the property and restoring it at their cost.

Chelsea Restoration earns a small management fee for the receivership which can't exceed \$10,000 and is part of the lien.

"There are a lot of expenses that don't show up cosmetically, especially at 56 Heard St.," said Zucco. "What we'll do is bring it back into compliance and then whenever possible the owner has the opportunity to pay all the expenses and take it back. If they are not in a position to pay it back, we can work out a plan. If they are unwilling to do that, then we will take it over and sell it for them to a first-time homebuyer."

All taxes and liens are paid first with the money from the sale.

"We're not here to make it hard to live in Chelsea," stated Ward. "But that owners need to understand that there are standards for their homes and they are higher than they thought. Tenants have a right to good housing, and a right to a nice neighborhood. If they choose not to acknowledge that then we will force them to."

CHRIS B...

# Housing Task Force targets city eyesore

CHELSEA - Attorney General Scott Harshbarger and the City of Chelsea announced a joint effort to repair an abandoned housing site that has been a blight on the neighborhood.

Through combined efforts of the Attorney General's Abandoned Housing Task Force and the City of Chelsea, the Chelsea District Court has appointed a local housing specialist to begin the process of repairing a dilapidated home in a stable, well-kept neighborhood.

"Throughout the state, abandoned or unmanaged property poses a serious health and safety risk to tenants and residents of the community," Harshbarger said. "I am proud of these efforts in Chelsea to help repair a house, rebuild a neighborhood, and provide new, safe, and affordable housing."

Jay Ash, Director of Planning and Operations for the City of Chelsea, said, "This partnership between the city and the Attorney General's Office has been a valuable tool in our efforts to re-

claim our community."

The three-story residential dwelling located at 226 Clark Ave., has become a hazard, with numerous Sanitary Code violations. In particular, there was a large gaping hole on the side of the house, which attracted vandals and hastened the deterioration of the building.

Helen Zucco, the executive director of the Chelsea Restoration Corporation - a local non-profit organization dedicated to the revitalization and preservation of Chelsea's neighborhoods - has been appointed by the Chelsea District Court to act as a receiver of the property. Zucco has begun the process of securing and restoring the property to productive use.

Cities, towns, and local groups are most directly affected by the problems of abandoned housing, but may not be authorized to restore or raze the site. As a result, the municipality loses revenue, any creditors

See Task force, page 2

## Task force

Continued from page 1

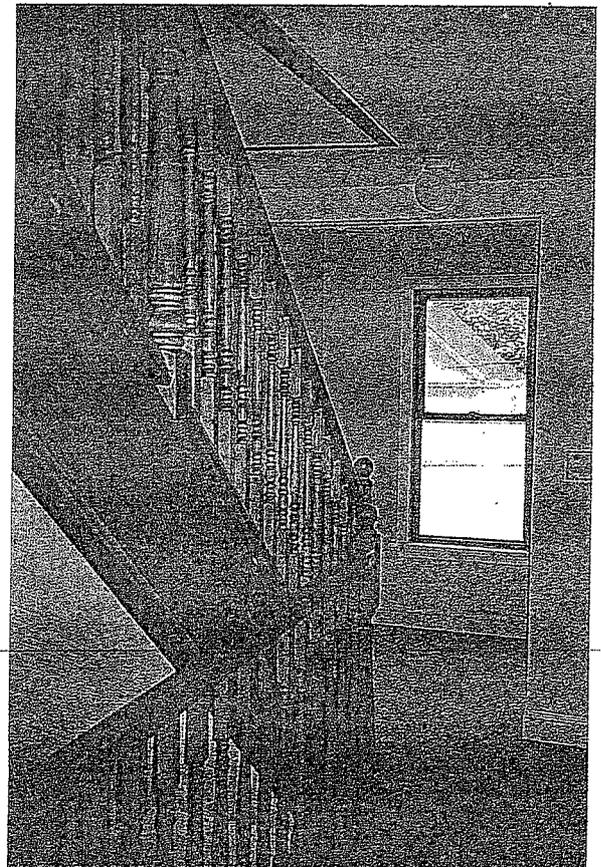
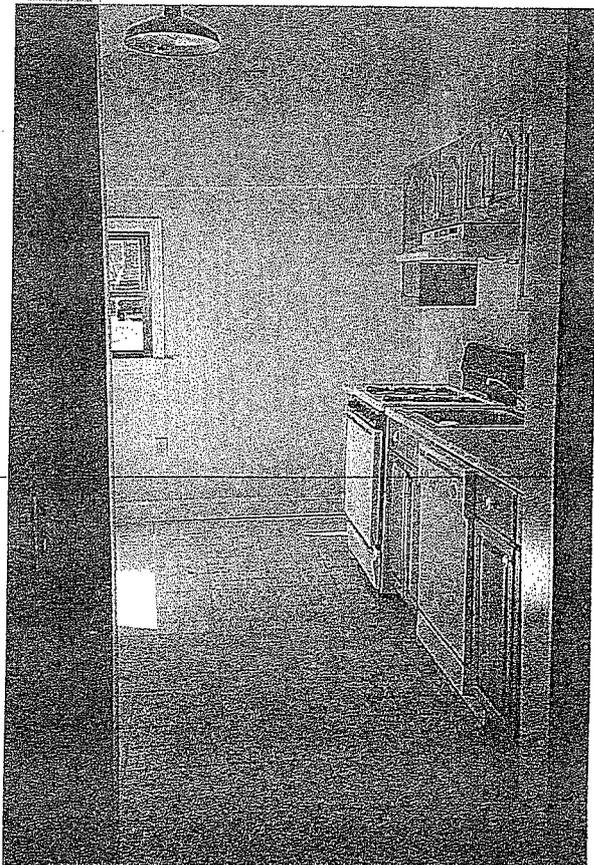
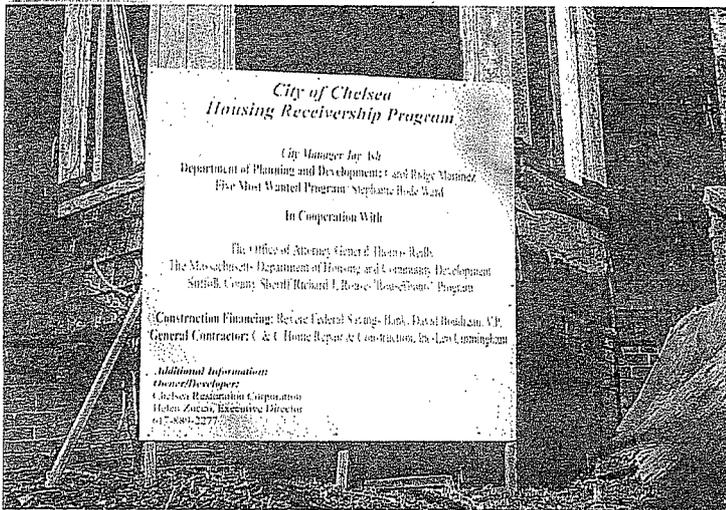
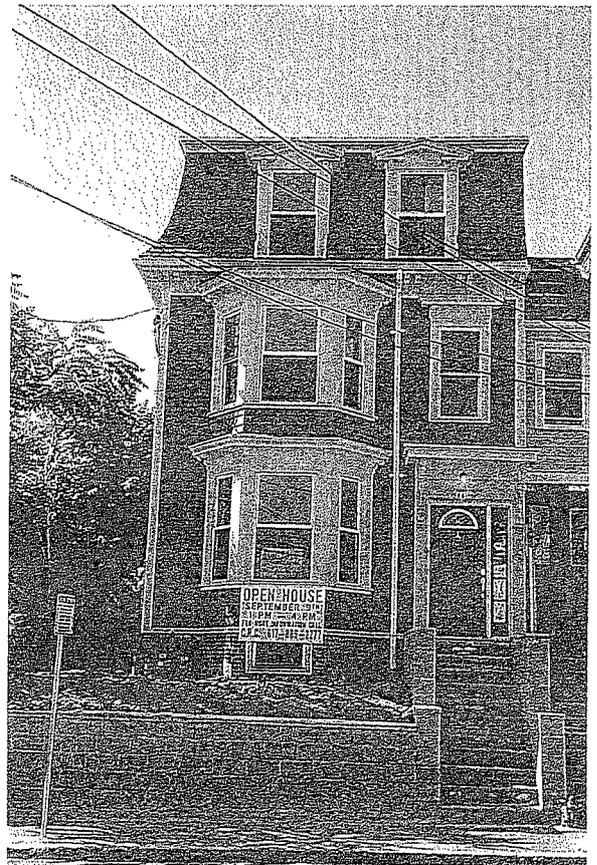
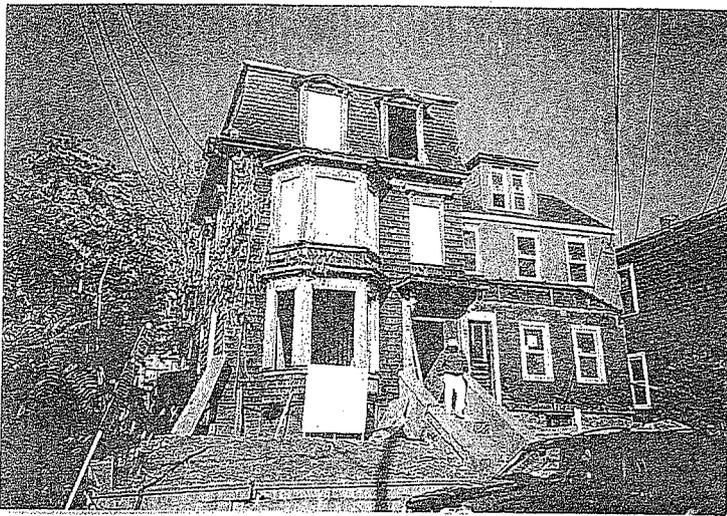
lose the likelihood of repayment, and the neighborhood faces increased instability. The Attorney General's Abandoned Housing Task Force provides an additional tool allowing communities to use existing legal rights, programs, and concepts in efforts to restore and repair abandoned properties.

The Task Force was created following a 1993 Massachusetts law that allows tenants of residential properties to seek an independent authority or "receiver" to perform necessary repairs if the owner or landlord is negligent. The Abandoned Housing Task Force, coordinating with municipalities and local community groups, applies the receivership statute to abandoned housing, and works through the judicial system to appoint a receiver to the abandoned property. The receiver is then authorized to make repairs and restore the home for a new owner or tenant.

Since 1993, more than 300 housing units in more than 20 buildings in Boston, Chelsea, Springfield, and Orange have been rehabilitated with the assistance of the Abandoned

Housing Task Force. The program has been implemented in Chelsea with close cooperation of City officials, including Stephanie Ward, Coordinator of the Five Most Wanted Program; David Panagore, Chief Legal Counsel to the City of Chelsea; and Joe Cooney, Director of Inspectional Services for the City of Chelsea.

The cases are being handled by Assistant Attorney General William Berman, Coordinator of the Chelsea Abandoned Housing Task Force, Assistant Attorney General Charles Harak and Special Assistant Attorney General Polly Puner. This program is being implemented in conjunction with the Chelsea Safe Neighborhood Initiative.



VIII. Attorney General  
AHI Handbook

# About this section

## **This section of the handbook was prepared by the Attorney General's Office**

These documents are examples of the pleadings and orders that have been filed by the Attorney General's Office in receivership actions in various courts throughout the Commonwealth and cover many of the facets of receivership from the initial communication with a property owner to the termination of a receivership. Included are examples of correspondence by the Attorney General with:

- (i) property owners;
- (ii) lien holders;
- (iii) others with interest in a property subject to enforcement actions.

These forms and sample correspondence should not be relied upon as either legal advice or an opinion by the Attorney General's Office. If you would like to use the forms, then you should do so only with the independent advice of legal counsel who can modify them accordingly to provide for a private or public petitioner and to reflect the specific circumstances of your own case, to the extent your case falls within the parameters of the applicable law.

For copies of these forms you can also visit the Attorney General's website, at [www.mass.gov/ago](http://www.mass.gov/ago).

# Contested petition for receivership

November 6, 2007

**Via Certified Mail, RRR**

Ms. Jill May  
40 Tar Place  
Taunton, MA 02780-4393

RE: 1 Sea Street, Taunton, Massachusetts  
Health and Safety Code Violations

Dear Ms. May:

This letter concerns the condition of the residential premises which public records indicate to be owned by you and located at 1 Sea Street, Taunton, Massachusetts. If you are not the same Jill May who holds title to this property, please let us know so that our records can be corrected.

Otherwise, there are a number of long-standing violations of the State Sanitary Code at the property which has been abandoned and vacant for a significant period of time. The state of the property poses an immediate danger to the public. The house is unsecured, is open to the elements, invites infestation of vermin, and creates a serious safety hazard to trespassers. In short, the structural integrity and health concerns created by the condition of the property creates a risk to trespassers, your neighbors and public. The problems must be addressed by you, as owner, immediately.

The State Sanitary Code and other law permits this office and the City of Taunton to petition the appropriate court for the appointment of a receiver. **Please be advised that, unless you contact this office within seven days of receipt of this letter, a petition for appointment of a receiver will be filed with the Court.** While we are certainly willing to work with you to resolve these safety issues, the state of the property requires that immediate measures be undertaken to secure the property and clean up the obvious health and safety hazards, even before further action can be taken to bring the property into full compliance with applicable health, safety, building and fire codes.

Please contact the undersigned, immediately, upon receipt of this letter to discuss how you intend to address the issues.

We are interested in meeting with you (together with your attorney if you wish), to discuss an amicable resolution of these problems. If you are unwilling to fulfill your legal responsibility to properly maintain the building or are unable to provide an alternative solution which will adequately protect your neighbors, the Office of the Attorney General is prepared to take legal action to seek enforcement of the State Sanitary Code, and may petition the Housing Court pursuant to Section 127I of G.L. c. 111 (copy enclosed) for the appointment of a receiver of the property.

We look forward to your prompt reply.

Very truly yours,

Matthew Q. Berge  
Assistant Attorney General  
617-727-2200

cc: Ms. Jill May,  
40 Tar Place  
Taunton, MA 02780-4393

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

TRIAL COURT  
HOUSING COURT DEPARTMENT  
CITY OF BOSTON  
C.A. NO.

<hr/>	
ATTORNEY GENERAL FOR THE	)
COMMONWEALTH OF MASSACHUSETTS,	)
Petitioner	)
	)
vs.	)
	)
JOHN DOE	)
Respondents	)
<hr/>	

CERTIFICATE OF NOTICE  
REGARDING RECEIVER'S INTERIM INSPECTION REPORT

I hereby certify that on this day a copy of the attached Receiver's Interim Inspection Report prepared pursuant to paragraph 6(d) of the Order on Petition to Enforce the State Sanitary Code and for Appointment of a Receiver, as entered herein by Hon. **[Justice of the Housing Court granting receivership order]** on **[date of receivership order]** was sent by first class mail to **[owner or owner's counsel]** and **[lien holder or lien holder's counsel]**.

Signed this \_\_\_\_ day of \_\_\_\_\_ 2008.

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Matthew Q. Berge  
Assistant Attorney General

**COMMONWEALTH OF MASSACHUSETTS  
THE TRIAL COURT**

**SUFFOLK, ss.**

**HOUSING COURT DEPARTMENT  
CITY OF BOSTON DIVISION  
CIVIL ACTION. NO.**

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<b>ATTORNEY GENERAL FOR THE COMMONWEALTH OF MASSACHUSETTS</b>	)
<b>Petitioner</b>	)
<b>vs.</b>	)
<b>JOHN DOE</b>	)
<b>Respondent</b>	)

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**COMPLAINT FOR CIVIL CONTEMPT, RULE 65.3**

**I. PARTIES**

1. The plaintiff in this case, the Attorney General, is also the plaintiff in *Attorney General v. Bill Lewis*. Chelsea District Court Civil Acton No ( ), an action seeking enforcement of the State Sanitary Code against defendant Bill Lewis ("Lewis"). The Attorney General filed his petition in the underlying Sanitary Code enforcement proceeding on or about August 15, 20087, and the Court grantee a Preliminary Order against Lewis on August 26, 2008.
2. The defendant in this case, Bill Lewis, the owner of property at 9 Main Street, Chelsea is al the defendant in Civil Action No.( ), described in the preceding paragraph.

**II. JURISDICTION**

1. The district Court as the court which issued the Preliminary Order at issue, is the appropriate court for hearing this complaint for civil contempt. Mass. R. Civ. P. 65.3(b). The District Court ha equitable jurisdiction in the underlying Sanitary Code enforcement proceeding under G.L. c. 111, §127I and c. 218, §19C.

**III. FACTAL ALLEGATIONS**

1. On August 26, 2008, Judge Robert A. Comet sitting in the Chelsea District Court, signed a Preliminary Order in the underlying Civil Action No. ( ). A true copy of the Order is attached to this complaint (Exhibit A). In relevant part, the Order included the following mandate:

"10. The Respondent Bill Lewis is hereby ordered to complete the repairs to the Property (9 Main Street) listed below with 21 days (i.e., September 16), and to provide a written report to the City of Chelsea Inspectional Services Department and petitioner Attorney General of all repairs completed within two days of the completion of repairs:

- a. Bringing all exterior porches and stairs into complete compliance with the State Sanitary and Building Codes ("the Codes"), making them safe and secure;
- b. Bringing all electrical and plumbing facilities into compliance with the Codes.

All repairs shall be performed by licensed contractors to the extent required by the Building Code, and Lewis shall obtain all necessary permits from the City prior to any repair work.'

"11. Lewis is prohibited from allowing any person, including himself, to reside at the Property until the City has granted him a valid Certificate of Occupancy." .

2. The provisions of the Preliminary Order quoted in section 4 of the complaint are mandatory, clear and unequivocal.
3. Between August 26, 2008, the date this court signed the Preliminary Order, and October 8, 2008, the Director of the City of Chelsea Inspectional Services Department and subordinate building inspectors inspected the property at 9 Main Street, Chelsea on several occasions and spoke either with Lewis, an agent of his named "Greg". or both. As of October 8, 2008, Lewis was in knowing, direct violation of this court's Order, section 10, as he had still not: brought "all exterior porches and stairs into complete compliance" with the Codes; brought "all electrical and plumbing facilities into complete compliance" with the Codes; or obtained the necessary permits from the City of Chelsea prior to completing repairs. Affidavit of Stephanie Bode Ward Exhibit B.
4. Between August 26, 2008 and October 8, 2008, Lewis knowingly and directly violated this court's Order, section 11, by residing at the property without having obtained a certificate of occupancy from the City of Chelsea. Affidavit of Stephanie Bode Ward, Exhibit. B.

#### IV. PRAYER FOR RELIEF

1. In accordance with rule 65.3(c)(5), the Attorney General asks this court's approval for the issuance of a summons and complaint, directing Lewis to appear in court

and answer this complaint on October 14, 2008 at 9 AM, a date previously scheduled by the court for a report on the progress of repairs at 9 Main Street.

2. The Attorney General asks this court to:
  - a. award him reasonable attorney's fee for the time spent preparing and arguing this contempt complaint (see Lyon v. Bloomfield, 355 Mass. 738, 744 (1969));
  - b. require Lewis to pay into an escrow fund under the control of either the clerk of this court or the City of Chelsea, the sum of \$1000 which sum shall be deposited no later than October 17, 2008 and which shall be released back to Lewis only if he: (i) immediately ceases living at the property (until such time as he may obtain a valid certificate of occupancy), and (ii) obtain the necessary plumbing and electrical permits by October 21, 2008;
  - c. direct that the \$1000 deposited in escrow shall be released to the City of Chelsea in the event that Lewis fails to meet the two conditions described in paragraph b., above, such sum representing reasonable damages suffered by the plaintiff Attorney General and City of Chelsea;
  - d. grant such other relief as appears just and equitable.

Respectfully submitted

MARTHA COAKLEY  
ATTORNEY GENERAL

By its Attorney,

---

Mathew Q. Berge. BBO  
Assistant Attorney General  
200 Portland Street  
Boston, MA 02114  
(617) 727.2200

May 25, 2008

**[name of record owner]**<sup>1</sup>  
**[street address for mail delivery]**  
**[city, state, zip code]**

RE: **[abandoned property street address, city,] Massachusetts**  
**Health and Safety Code Violations**

Dear [Name]:

We confirm our meeting for Friday, August 15, 2008 at 11:30 a.m. at (suggest location convenient to the property, e.g. city hall meeting room). You should proceed to the Law Department office on the second floor for our meeting. The meeting will be attended by the undersigned, Assistant Attorney General Steven Marshalek, City Solicitor Steven Torres, and a representative of the [City] Health Department [**or other code enforcement officials**].<sup>2</sup>

As discussed by telephone, you are free to appear at this meeting or any future meeting we may schedule with counsel, if you so choose.

We look forward to meeting you on Friday and hope the matter can be resolved to everybody's satisfaction.

Very truly yours,

Matthew Q. Berge  
Assistant Attorney General  
Government Bureau/Trial Division  
617-727-2200

---

<sup>1</sup> Since the owner responded to the first demand letter, we have confirmed a good address for service. It is no longer necessary to send future correspondence by certified mail. At this stage, the owner has expressed a genuine interest in resolving the dispute without court intervention. Certified mail can be overbearing and express a level of distrust at this conciliation stage.

<sup>2</sup> Depending upon the owner's situation, e.g. whether he/she is a corporation or represented by counsel, the petitioner should avoid having too many officials in the room to discuss resolution. This may seem unnecessarily overwhelming for the owner, particularly one without many resources or experience with property management issues. Choose one or two code officials with whom the owner can communicate during conciliation, if there are any questions about the city's expectations.

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

TRIAL COURT  
HOUSING COURT DEP'T  
SOUTHEAST DIVISION  
C.A. NO. 01-

ATTORNEY GENERAL for the  
COMMONWEALTH OF MASSACHUSETTS,  
and the CITY OF TAUNTON,

Petitioners,

v.

JOHN DOE and ESTATE OF JANE DOE, or his  
heirs, successors, or assignees having any interest in  
real property located at 15 Commonwealth Street,  
Taunton, Massachusetts.

Respondents.

AFFIDAVIT OF MONIQUE CASCARANO

The Undersigned hereby deposes and says:

1. My name is Monique Cascarano. I am employed by the Massachusetts Office of the Attorney General as an Investigator in the Investigations Division. I have held this position from July 1996 to October 1998 and from October 16, 2000 to the present.

2. My job duties include deed research and locating individuals during the course of an investigation.

3. On October 23, 2008 Investigator Jen Hollingsworth and I went to the Bristol County Registry of Deeds, Northern District, 11 Court Street, Taunton, MA, to update research for property located at 15 Commonwealth Street, Taunton, MA. Investigator Hollingsworth and I are working on the "Abandoned Housing" project, which involves assisting the community where an abandoned house is located and researching the property so that an appointment of a receiver by the court to undertake and oversee the rehabilitation of the residential property with persistent, unremedied code violations. I ascertained that the property located at 15 Commonwealth Street, Taunton, MA, had been sold on September 20, 2005 to John Doe for

consideration of less than \$100.00. I obtained a copy of the deed (7965.31). I also located but did not copy a notice to foreclose on a tax lien filed by the City of Taunton on August 24, 2008 (8290.178). A true and accurate copy of the deed (7965.31) is attached as Exhibit A.

4. On October 26, 2008 I received an e-mail from AAG Juliana Rice asking for assistance in locating John Doe. AAG Rice stated that neighbors of 15 Commonwealth Street, Taunton, MA, thought Doe may live in Rhode Island.

5. On diverse dates in November & December 2008 I researched the Massachusetts Registry of Motor Vehicles & Westlaw databases in an effort to locate information for John Doe. The Massachusetts Registry of Motor Vehicle database disclosed sixty four John Doe's in Massachusetts. I telephoned several John Doe's located near the Taunton area and none had any knowledge of the 15 Commonwealth Street property. I located three possible John Does in Rhode Island. I obtained telephone numbers for them and Investigator Hollingsworth sent out letters to them. In all three instances, the John Doe's responded to the letters by telephone and indicated that they were not the owners of 15 Commonwealth Street, Taunton, MA . True and accurate copies of the letters are attached as Exhibit B.

6. On 11/27/08 I spoke with Dan Grimes, Executive Director of the Oak Hill Nursing & Rehabilitative Center, 76 North Street, Middleboro, MA, 02346. Grimes stated that Jane Doe had been a resident at the nursing home since February 16, 1998, but had passed away on May 18, 2008. Grimes said he had no knowledge of John Doe but provided me with the name, address and telephone number of Doe's next of kin, Helen Ring, 2400 South Road #, East Greenwich, RI, 02818. Grimes also questioned personnel at the Oak Hill Nursing Home regarding any information they might have relating to Arthur Taylor. Grimes stated that none of the personnel he spoke with had any knowledge of John Doe.

7. On 11/27/00 I wrote a letter to Helen Ring asking her to contact me. A true and accurate copy of the letter is attached as Exhibit C.

8. On or about December 1, 2008 I received a telephone call from Jane Smith, Helen Ring's daughter. Smith was responding to my letter to Ring dated November 27, 2008. Smith stated that she had no knowledge of John Doe and stated that he was not a family member. Smith told me that Jane Doe had been living in assisted living at Oak Hill Nursing Home. Smith said she was not sure how the property located at 15 Commonwealth Street could have been transferred. Smith said that Doe had suffered from dementia for quite some time. Smith provided me with her address of 93 Mountain Road, Narragansett, RI, 02882, (401) 555-5555.

9. On or about December 6, 2008 I received a telephone call from Ed McGinney, Jane Smith's husband who was interested in the efforts made to locate John Doe. McGinney told me that the family of Jane Doe was interested in obtaining information regarding the transfer of 15 Commonwealth Street, Taunton, MA. McGinney told me that Doe's sister, Helen Ring was the executor of Jane Doe's estate. McGinney told me that he would forward to the Office of the

Attorney General a copy of Doe's will and information regarding Doe's medical condition at the time of the sale of 15 Commonwealth Street. McGinney provided me with his work telephone number of (401) 555-3300 and a home number of (401) 555-0239. McGinney told me that he and his wife were interested in becoming involved with the property and would be willing to make improvements to the property if it was found that the sale of 15 Commonwealth Street from Jane Doe to John Doe was not legitimate.

10. On December 14, 2009 Investigator Hollingsworth researched information at the Massachusetts Secretary of State's Office database to access the Notary Public listing. Investigator Hollingsworth researched the name Arthur Jackson, which appears as the notary public signature on the deed (7965.31) for property located at 15 Commonwealth Street, Taunton, MA. Investigator Hollingsworth determined that there are two Arthur Jacksons listed as Notary Public's in the Commonwealth of Massachusetts. Investigator Hollingsworth contacted both Arthur Jackson's and neither had no knowledge of signing the deed (7965.31). Investigator Hollingsworth also accessed the Rhode Island Secretary of State's Office database to research the Notary Public listing service. Investigator Hollingsworth reports that Arthur Jackson is not listed in the database.

11. On December 21, 2009 I attending a meeting with Matt Berge, an AAG assigned to the Abandoned Housing project and Maryellen Rochette at the Offices of Pro-Home, Taunton, MA. Rochette accompanied AAG Berge and I to 15 Commonwealth Street and I left my business card in the door with a message written on it to contact me. On this date I observed that the door lock appeared to have been changed.

12. On or about December 27, 2009 I received a telephone call from an individual who told me that he does maintenance work at 15 Commonwealth Street, Taunton, MA. The caller told me that the property had been sold. I asked the caller to identify himself and he would not. I asked that he have the owner of the property contact me. The caller then hung up.

13. On or about December 28, 2008 I contacted the Bristol County Registry of Deeds, 11 Court Street, Taunton, MA, (508) 822-0502 and spoke with Register, Joseph L. Amaral regarding 15 Commonwealth Street and deed (7965.31). Amaral told me that the original deed had been sent to John Doe, 15 Commonwealth Street Taunton, MA. Amaral told me that the deed was returned to the Bristol County Registry Deeds and has not been claimed. Amaral told me that the original deed is currently at the Bristol County Registry of Deeds, 11 Court Street, Taunton, MA.

14. As of this date, I have not received any documentation from Jane Smith or Ed McGinney regarding Jane Doe.

15. On March 16, 2009 I wrote to the United States Post Office, Taunton, MA, to ascertain who was receiving mail at 15 Commonwealth Street, Taunton, MA.

16. On March 23, 2009 I received a reply from the United States Post Office, Taunton, MA

which stated that mail is delivered to John Doe at 15 Commonwealth Street, Taunton, MA. The Post Office further noted that 15 Commonwealth Street is a vacant property. A true and accurate copy of the U.S. Post Office's response is attached as Exhibit D.

17. On or about May 16, 2009 I received a letter from Attorney John R. Pine, Jr., stating that Helen Ring died on May 8, 200p. I also received a copy of Helen Ring's death certificate. A true and accurate copy of the letter and death certificate is attached as Exhibit E.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY ON THIS THE \_\_\_\_ DAY  
OF JUNE, 2009

---

Monique Cascarano  
Investigator

August 29, 2009

Eric De Mora, Deputy Mayor  
City of Taunton  
Taunton City Hall  
Taunton, MA

Re: Abandoned Housing Project

Dear Mr. De Mora:

The home at 15 Commonwealth Street was brought to our attention by the neighbors affected by the property, through Pro Home, Inc. The home has been abandoned for several years, and posed continuous fire, health and criminal hazards to the community.

Our office checked the registry of deeds on several occasions and determined that an individual named John Doe was the owner of the property. The deed said he paid less than \$100 for the property to Jane Doe, the former owner. Our investigation revealed information which raised questions about the transfer from Doe to Doe, specifically whether Ms Doe was competent to engage in that transaction. She was in a nursing home at the time of the transfer and has since died. We therefore included Ms. Doe's heirs in this action since they may have an interest. Some of his relatives told us they were surprised to find that the home had been sold to a Mr. Doe, whom they did not know.

Our investigators searched all available avenues to find John Doe over the past year. The city's records indicated 15 Commonwealth Street. as his address of record. The U.S. Post Office had no forwarding information on Mr. Doe, and confirmed that mail to the address was undeliverable. We check computer databases available at the Registry of Motor Vehicles and on Westlaw to locate anyone matching this name. Several "John Does" were revealed in the New England area, and each was contacted by mail. Those that responded denied ownership.

Back in December, 2008, that same investigator left her business card at the property and asked on the card for a phone call from the owner. Someone called, in response, but refused to leave a name or other information about ownership.

We obtained an order from the court permitting alternative service of process, as is allowed by law under the circumstances. The court's notice of the hearing was placed on the

building and published in the Taunton Gazette for seven consecutive days in August. On the day of the hearing, a person purporting to be John Doe called the clerk's office in Fall River and claimed he was in New Jersey and could not be in court until that Friday. We reported this to the judge, who took this statement into consideration on the record. He gave this person until Friday to contact the Court directly, in person, and prove he was John Doe. Nobody showed up.

That same person had earlier called Honoria DeSilva, the city's attorney. He refused to leave a phone number or address. He has never left an address or phone number when he calls. He may have left a phone number when he called Juliana Rice of our office earlier this week (after the court's Friday deadline). I will confirm that with her when she returns from vacation.

The receivership is authorized by the state sanitary code, G.L. c.111, §127I. We believe we have made every effort to get Mr. Doe involved in this matter. His telephone calls establish that he had proper notice of the proceedings.

The receivership does not get ownership of the property. The receiver becomes an "equitable owner" only during the course of the 180 day receivership. Its duties are defined by the Court's order, to whom the receiver must report every 30 days. Mr. Doe remains the legal owner of the property. The only issue is whether he is will pay the receiver's bill at the conclusion of the receivership, to clear the receiver's lien on the property. If he does not, then the receiver may foreclose on that lien, much like a mortgage holder.

John Doe is in default. If he simply answered the petition and appeared in Court, in person or through counsel, then he would be entitled to notice of every step taken by the receiver and expense incurred as the project continues. He has chosen not to address this matter with the Court.

Please feel free to call if you have any questions.

Very truly yours,

Matthew Q. Berge  
Assistant Attorney General  
(617) 727-2200 ext. 3350

August 29, 2009

Eric De Mora, Deputy Mayor  
City of Taunton  
Taunton City Hall  
Taunton, MA

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building and published in the Taunton Gazette for seven consecutive days in August. On the day of the hearing, a person purporting to be John Doe called the clerk's office in Fall River and claimed he was in New Jersey and could not be in court until that Friday. We reported this to the judge, who took this statement into consideration on the record. He gave this person until Friday to contact the Court directly, in person, and prove he was John Doe. Nobody showed up.

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Please feel free to call if you have any questions.

Very truly yours,

Matthew Q. Berge  
Assistant Attorney General  
(617) 727-2200 ext. 3350

September 26, 2008

VIA CERTIFIED MAIL

John Noonan, Esq.  
Noonan, Braves & Long  
100 Drummings Center, Suite 213C  
Beverly, MA 01915

Re: 300 Nut Street, Holyoke, Massachusetts

Dear Attorney Noonan:

We understand that you are the attorney for Wells Fargo Bank, the current owner of the residential premises located at 300 Nut Street, Holyoke, Massachusetts. We also understand that you are authorized to accept service on behalf of the owner. Please confirm that you are, in fact, the attorney for the owner and that you are authorized to accept service on behalf of the current owner. Otherwise, we will serve Wells Fargo as owner in accordance with applicable law and rules of court.

As you are aware, there are a number of long-standing violations of the State Sanitary Code at the property which has been abandoned and vacant for a significant period of time. The state of the property poses an immediate danger to the public. The building continues to be a serious public health and safety threat. We understand that the City of Holyoke undertook emergency steps to secure the property, as prior efforts to secure the property were breached making this building an attraction and danger to trespassers. According to city officials, the property poses a fire threat in itself and to its neighbors. These dangers, in addition to the apparent risk posed by its structural integrity and health concerns created by trash and potential vermin infestation creates a risk to your neighbors and public. The problems must be addressed by the Estate of Angelo Sintose, as owner, immediately.

The State Sanitary Code and other local and state laws permits this office and the City of Holyoke to petition the appropriate court for the appointment of a receiver. *Please be advised that, unless you contact this office within ten calendar days of receipt of this letter, a petition for appointment of a receiver will be filed with the Court.* While we are certainly willing to work with the owner to resolve this serious issue, the state of the property requires that immediate measures

be undertaken to secure the property and bring this property into full compliance with applicable health, safety, building and fire codes.

Please contact the undersigned, immediately, upon receipt of this letter to discuss how you intend to address the issues. We can meet with you in our Boston office or our Springfield office, whichever is most convenient for the owner.

We are interested in meeting with you and your client, to discuss an amicable resolution of these problems. If you are unwilling to fulfill your legal responsibility to properly maintain the building or are unable to provide an alternative solution which will adequately protect your neighbors, the Office of the Attorney General is prepared to take legal action to seek enforcement of the State Sanitary Code, and may petition the Housing Court pursuant to Section 127I of G.L. c. 111 (copy enclosed) for the appointment of a receiver of the property.

We look forward to your prompt reply.

Very truly yours,

Matthew Q. Berge  
Assistant Attorney General  
Government Bureau/Trial Division  
617-727-2200

May 25, 2008

**[name of record owner]<sup>1</sup>**  
**[street address for mail delivery]**  
**[city, state, zip code]**

RE: **[abandoned property street address, city,] Massachusetts**  
**Health and Safety Code Violations**

Dear [Name]:

I am sorry that you did not appear for our scheduled meeting this morning at (City Hall). City Solicitor Steven Torres and I waited from 11:00 a.m. through 12:10 p.m with the (City) Health Department official for you to arrive, but you did not.

I received your voice mail message from yesterday, asking to remind you of the location of the meeting since you had lost the paper upon which you wrote these details. I was not in the office yesterday and could not return your call. I did send a confirmatory letter with the details you requested, on May 21, 2008. I called you home this morning at approximately 9:40 a.m. and was told that you had been on the road for several hours. I informed the person answering the phone of my identity and said that I was on my way to (city) to meet with you.

Since there has been no other communication from you as of the writing of this letter, we shall proceed with the necessary enforcement action to rectify the problems at your property. As this matter will proceed to the court, you may wish to obtain an attorney. If so, we would be pleased to speak with your attorney or you, personally, if you do not wish to retain an attorney.

Very truly yours,

Matthew Q. Berge  
Assistant Attorney General  
Government Bureau/Trial Division  
617-727-2200

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<sup>1</sup> Letter sent immediately on the date of the missed meeting, to record events as they occurred. Note, despite this owner's failure to appear, the petitioners offer another opportunity to resolve the matter even as we commence court proceedings. Our intention is to impress upon this owner that we are sincere about exploring amicable resolution, however, given the state of this property, we required her cooperation immediately, within that week.



allowing service by the Petitioner by publication of the Notice of Hearing on the Petition in a newspaper serving the population of greater Boston.

The Petitioner shall rely upon the Affidavit of Nancy Ward and the Memorandum of Law, previously submitted with the original motion for alternative service of process.

Respectfully Submitted  
The Petitioner

MARTHA COAKLEY  
ATTORNEY GENERAL

By its attorney

---

Matthew Q. Berge (BBO# 560319)  
Assistant Attorney General  
Government Bureau/Trial Division  
200 Portland Street  
Boston, MA 02026  
(617) 727-2200

Dated: January 19, 2009

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

TRIAL COURT  
HOUSING COURT DEPARTMENT  
CITY OF BOSTON  
C.A. NO.

<hr/>	
ATTORNEY GENERAL FOR THE	)
COMMONWEALTH OF MASSACHUSETTS,	)
	)
	)
vs.	)
	)
Respondents	)
<hr/>	

MOTION TO REDUCE TIME FOR NOTICE  
TO MORTGAGEES AND LIENORS

Now come the petitioners in the above-captioned action and move for an Order reducing the amount of time for petitioner’s notice to mortgagees and lienors of record, pursuant to G.L. c.111 sec. 127I (as amended, second paragraph).

As grounds therefore, the petitioners states the following:

1. The property located at [**address, city**] MA, is abandoned with no management whatsoever (“the Property”).
2. The Property has numerous, long-standing Code violations which pose a serious risk to the health, safety and well-being of abutters and residents of the community.
3. The petitioner seeks the appointment of a receiver in order to bring the Property into compliance with the Sanitary Code.
4. To provide the full 14 day notice to current mortgagees and lienors of record would be inappropriate for the following reasons:
  - (a) There is an immediate risk to the health and. safety of abutters and residents of the community;
  - (b) To provide .opportunity to repair and stabilize the Property, it is necessary for the Court to appoint a receiver in an expedited manner.

WHEREFORE, the petitioners request leave of court to give all mortgagees and lienors of record known to the petitioner 10 days notice of a hearing on the Commonwealth's Petition to Enforce the Sanitary Code and For Appointment of a Receiver to be mailed by certified mail, return receipt requested, on July 2, 2008.

Respectfully submitted,

The Petitioner,

MARTHA COAKLEY  
ATTORNEY GENERAL

By its attorney,

Dated: July 2, 2008

**COMMONWEALTH OF MASSACHUSETTS  
THE TRIAL COURT**

**FRANKLIN, ss.**

**DISTRICT COURT  
ORANGE DIVISION  
CIVIL ACTION. NO.**

<b>ATTORNEY GENERAL FOR THE COMMONWEALTH OF MASSACHUSETTS</b> <b>Petitioner</b>	)	
	)	
	)	
<b>vs.</b>	)	<b>MOTION FOR TERMINATION OF RECEIVERSHIP AND LEAVE TO PERMIT TRANSFER OF TITLE</b>
	)	
<b>JOHN DOE, as he is the Executor of the Estate of Jack Young and not individually Respondent</b>	)	
	)	

The Community Development Office of the Town of Orange, Daniel B. Arms, Director, the interim Receiver of the property located at 1-5 East West Street, Orange, Franklin County, Massachusetts pursuant to the Order of Petition to Enforce the State Sanitary Code and For Appointment of a Receiver, as amended, entered by this Court in this action on January 17, 2008, ("Receivership Order"); hereby moves the Court, under line 16 of the Receivership Order, for Termination of the Receivership effective on \_\_\_\_\_

In support hereof, the Receiver reports that this block now meets all applicable provisions of the State Sanitary Code and no longer poses a serous risk to the health, safety and well-being of the tenants at the property as well as the residents of the community. The property has been secured and no further repairs by the Receiver are anticipated. All of the Receiver's expenses and costs have been paid out of existing rents. Further, pursuant to the provisions of line 14 of the Receivership Order, the Receiver requests leave of the Court permitting the Respondent owner of the block to transfer title to the property, by a Trustees Deed, to D.V. Asset Management L.L.C.("D.V."). a Connecticut limited liability company authorized to conduct business in Massachusetts. D.V. will assume possession of the property and will be responsible for the management of the premises from and after the conveyance and the termination of the Receivership. The Receiver will transfer all outstanding fund balances generated by the Block to D.V. at that time.

Respectfully submitted.

The Petitioner,

MARTHA COAKLEY  
ATTORNEY GENERAL

By its Attorney,

---

Stuart T. Rossman  
Assistant Attorney General  
Business & Labor Protection Bureau  
200 Portland Street  
Boston, MA 02114  
(617) 727.2200  
BBO#

---

Edward F. Berlin  
Assistant Attorney General  
436 Dwight Street  
Springfield, MA 01103  
(413) 784.1240  
BBO#

Consented to by the Respondent  
Adam Strong, as he is the Executor  
Of the Estate of John Doe and not individually

By his Attorney,

---

Joseph White, Esq.  
Attorney  
Address  
Boston, MA 02109  
(617) 555-5555  
BBO#

Consented to by  
G.C. Assets Management L.L.C.

By his Attorney.

---

Daniel Fields  
Attorney  
Address  
Hartford, CT 06103  
(860) 555-5555

Dated June 24, 2009

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT  
HOUSING COURT DEPARTMENT  
CITY OF BOSTON  
CIVIL ACTION NO:

_____	)
ATTORNEY GENERAL FOR THE	)
COMMONWEALTH OF MASSACHUSETTS,	)
Petitioner	)
	)
vs.	)
	)
JANE DOE, Owner of a property located	)
at 77 Main St Dorchester, Massachusetts,	)
Respondent	)
_____	)

**REQUEST FOR SHORT ORDER OF NOTICE**  
**FOR HEARING TO APPOINT A RECEIVER**

The petitioner, Attorney General Martha Coakley hereby respectfully requests this court grant a short order of notice for a hearing on petitioner’s petition to appoint a receiver for the Property known as 77 Main Street, Dorchester, MA. The petitioner requests the hearing be scheduled for 9:00 AM on January 22, 2009

Respectfully Submitted  
by the Petitioner

MARTHA COAKLEY,  
ATTORNEY GENERAL

By its attorney

\_\_\_\_\_

Matthew Q. Berge (BBO# 560319)  
Assistant Attorney General/Trial Div.  
200 Portland Street  
Boston, MA 02114  
(617) 727-2200 ext. 3350

DATE: January 19, 2009

**COMMONWEALTH OF MASSACHUSETTS  
THE TRIAL COURT**

**HAMPDEN, ss.**

**THE TRIAL COURT  
HOUSING COURT DEPARTMENT  
HAMPDEN DIVISION  
DOCKET. NO.**

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**CAROL REED and  
CITY OF SPRINGFIELD  
DEPARTMENT OF CODE ENFORCEMENT  
HOUSING DIVISION  
Petitioner**

MOTION FOR APPROVAL  
OF PRIORITY LIEN

**vs.**

**REBEL SPRINGFIELD LIMITED  
PARTNERSHIP and REBEL PROPERTY  
MANAGEMENT  
Respondents**

---

Now comes Virgilio Property Management Inc., in its capacity as Receiver, and moves that this Court approve a priority mortgage amount in an amount to exceed Eighteen Thousand One Hundred Dollars (\$18, 100) on the following properties (the "Properties"): 253-257 Union Street 84-88 Buy Street, 108 Buy Street, 114-118 Buy Street, 103 Peat and 120-130 Buy Street an 53-55 Hill Street all of Springfield. MA

This request is being brought pursuant to common law and the Provision of ch 111 se. 127I. Under that statute, the Receiver has specific authority to borrow from and to grant security interests or liens on th affected property. The Receiver itself is granted a "lien with priority over all other liens or mortgages except municipals lien which "lien priority may be assigned to lenders for the purpose of securing loan for repair, operation, maintenance or management of the property". According to the Court's order of June 30, 2008, twelfth clause, authorized the Receiver to seek Court approval of a priority lien or more if the Receiver "believes there are insufficient funds generated from monthly rent revenues to prevent destruction, waste or loss of the property to address conditions which may materially endanger the health or safety of tenants and occupants...".

The Receiver represents that the monthly rent revenues have been insufficient to support all the urgent needs of the Properties, as documented in the monthly financial reports filed with the Court. As a result, the Receiver has secured a loan in an amount not to exceed \$18,100 from HAP, Inc. HAP, Inc. has in turn been loaned the funds by the City of Springfield under the federal HOME program, in HAP's capacity as a "Community Housing Development Organization".

To date, the Receiver ha drawn down funds in the amount of Four Thousand Nine Hundred and Twenty Six Dollars and Forty Eight cents (\$4,926.48), which have been expended principally for oil, but also for winterizing boilers, hot water tanks and the plumbing supply in various of the Properties The Receiver originally anticipated drawing down the balance of the funds to board the windows against the weather in all four floors of various of the Properties thus preventing fewer interior deterioration. Because of the delay in City approval of the funds, the Receiver now anticipates redirecting the bulk of those funds to address the urgent need for facade repair at 11 4- 116 Buy Street. The concern over the failing facade was raised by the City, originally as Case No. ( )

As a condition of receiving the Loan, the Receiver agreed to request that the Loan be secured by a priority lien (see Loan Agreement). The statute is not specific as to the type of priority lien to be granted. The Receiver suggests that in this instance the lien should most appropriately be enforceable as a mortgage, rather than as a mechanic's lien Accordingly, the Receiver requests hereby court approval to grant HAP Inc. a priority mortgage to secure a loan in an amount not to exceed \$18,100.

Respectfully Submitted

Dated:

\_\_\_\_\_  
Signatory  
Receiver

#### NOTICE OF MOTION

Please take notice that the undersigned will bring the foregoing motion on for hearing before the Hampden County Housing Court on Monday, August 7, 2008 at 2:00 P.M. or as soon thereafter as council can be heard.

Dated:

\_\_\_\_\_  
Signatory

#### CERTIFICATE OF SERVICE

I, \_\_\_\_\_, hereby certify that on this date I have served the foregoing Motion for Approval of Priority Lien upon all parties by mailing first class, postage prepaid to: to Attorney (name) City of

Springfield Law Department, 36. Court Street, Springfield, MA 01103; Attorney Stuart Rossman, Office of the Attorney General 1 Ashburton Place Boston, MA 02108; Attorney Stephen Manning, 20 N. Main Street, East Longmeadow, MA 01028; and Attorney Barry G. Braunstein, Riemer & Braunstein, 3 Center Plaza Boston MA 02108.

Date:

\_\_\_\_\_

Signatory

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss.

THE TRIAL COURT  
HOUSING COURT DEPARTMENT  
HAMPDEN DIVISION  
DOCKET. NO.

_____	)	
<b>CAROL REED and</b>	)	
<b>CITY OF SPRINGFIELD</b>	)	
<b>DEPARTMENT OF CODE ENFORCEMENT</b>	)	
<b>HOUSING DIVISION</b>	)	MOTION REGARDING
<b>Petitioner</b>	)	FORECLOSURE NOTICE
	)	
vs.	)	
	)	
<b>REBEL SPRINGFIELD LIMITED</b>	)	
<b>PARTNERSHIP and REBEL PROPERTY</b>	)	
<b>MANAGEMENT</b>	)	
<b>Respondents</b>	)	
_____	)	

The petitioner, Carol Reed, moves that the Court order the holder of the first mortgage, BayBank ("the Bank"), to issue the attached Notice to Potential Buyers before and during any auction of any of the subject properties. As grounds for this Motion, petitioner states that the parties and the Bank agree that an auction of the properties would not affect the *in rem* Receivership proceeding, and that the proposed Notice would make potential buyers aware of the proceeding and would ensure that the properties, which are in the Court's jurisdiction and control through the receivership, remain habitable and in compliance with law in the event of an auction.

Dated: \_\_\_\_\_

NOTICE OF MOTION

Please take notice that the defendant will bring the Motion on for hearing before the Hampden County Housing Court on Monday, August 7, 2008 at 2:00 P.M. or as soon thereafter as council can be heard.

Dated:

\_\_\_\_\_  
Signatory

CERTIFICATE OF SERVICE

I, \_\_\_\_\_, hereby certify that on this date I mailed the Motion and Notice to Attorney (name) City of Springfield Law Department, 36. Court Street, Springfield, MA 01103; Attorney Stuart Rossman, Office of the Attorney General 1 Ashburton Place Boston, MA 02108; Attorney Stephen Manning, 20 N. Main Street, East Longmeadow, MA 01028; and Attorney Barry G. Braunstein, Riemer &. Braunstein, 3 Center Plaza Boston MA 02108.

Date:

\_\_\_\_\_  
Signatory

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

THE TRIAL COURT  
HOUSING COURT DEPARTMENT  
HAMPDEN DIVISION  
DOCKET. NO.

<hr/>		)	
<b>CAROL REED and</b>	)	)	
<b>CITY OF SPRINGFIELD</b>	)	)	
<b>DEPARTMENT OF CODE ENFORCEMENT</b>	)	)	
<b>HOUSING DIVISION</b>	)	)	NOTICE TO
<b>Petitioner</b>	)	)	POTENTIAL
	)	)	BUYERS
<b>vs.</b>	)	)	
	)	)	
<b>REBEL SPRINGFIELD LIMITED</b>	)	)	
<b>PARTNERSHIP and REBEL PROPERTY</b>	)	)	
<b>MANAGEMENT</b>	)	)	
<b>Respondents</b>	)	)	
<hr/>		)	

By order of the Court, the first mortgagee Baybank has been instructed to distribute the notice to potential purchasers of 101 Spruce Street; 80 Buy Street; 10 Buy Street; 114-118 Buy Street; 123 Buy Street and 103 Peat Street; 2825 Union Street; 192-194 Central Street an 5355 Hill Street, Springfield, Massachusetts.

As a result of defective conditions at these buildings and the lack of any available management, the Court ordered on June 30, 2008 that these buildings be placed into receivership. This mean that since that date the buildings have been in the custody of the Court, managed by Virgilio Property Management, Inc, acting as an agent of the court.

At any foreclosure sale held on any of these properties, the sale will transfer title to the properties. However, the Receiver will continue to remain in possession of the properties until further order of this Court

Specifically, to dissolve the receivership, any bidder, prospective owner, or new owner of the building must demonstrate the following:

1. The bidder/owner is fully informed of the condition of the premises, including. apartments and Common areas, lead paint, and building systems;
2. The bidder/owner has the financial ability following the sale, to repair promptly any conditions in violation of the standards of fitness for human habitation established under the state sanitary code, or other applicable laws ordinances, by-laws, rules or regulations affecting the heath safety or well-being of the occupants;

3. The bidder/owner has a plan for implementing such repairs including cost estimates for major repairs, financing and priorities for rehabilitation;
4. The bidder/owner has staff with the skills and experience to implement the plan referred to in section 3, above;
5. The repair of the premises as proposed by the bidder/owner will not result in the displacement of the tenants and occupants.

Any bidder, potential owner or new owner may appear before the Court to obtain a ruling or clarification of these issues by scheduling a hearing in this matter, with notice to the parties of record including the attorney for the Receiver, the petitioner(s), the respondent, and Baybank

At such time, the bidder/owner is requested to complete a financial statement, available from the Clerk's office, and to provide a copy of such statement to the parties of record in this matter, with advance warning notice of the time and date of such a hearing. The Court hereby orders that such financial statement received by other parties to this action shall be kept confidential and limited to use in these proceedings and may not be disclosed by any party for any other purpose without leave of Court.

Pursuant to G.L. ch. 111, sec. 127I, sixth paragraph, any prospective bidder is hereby informed that any decision continuing the receivership and denying a successful bidder possession of the premises shall not relieve such bidder, after becoming an owner from civil or criminal liability or any duty imposed by law, nor shall it suspend any obligation of such owner to pay for taxes, operating or maintenance expenses, or for repair of the premises.

Dated:

---

William H. Abrashkin  
First Justice

**COMMONWEALTH OF MASSACHUSETTS  
THE TRIAL COURT**

**SUFFOLK, ss.**

**HOUSING COURT DEPARTMENT  
CITY OF BOSTON DIVISION  
CIVIL ACTION. NO.**

---

**ATTORNEY GENERAL FOR THE  
COMMONWEALTH OF MASSACHUSETTS**  
    **Petitioner**

**vs.**

**JOHN DOE**  
    **Respondent**

---

PETITIONERS' OPPOSITION TO DEFENDANT'S EMERGENCY  
MOTION TO DISSOLVE RECEIVERSHIP AND  
CROSS MOTION FOR INJUNCTIVE RELIEF

The plaintiffs, Attorney General for the Commonwealth of Massachusetts, submit this opposition to plaintiffs' emergency motion to dissolve the receivership and cross motion for an injunction directing Respondent to vacate the premises, turn possession over to the receiver, and comply with all prior orders of this Court. As grounds for their opposition and cross motion, the plaintiffs state:

1. On June 30, 2007, the Court entered an order granting the Petitioners' motion to extend and modify the receivership of Jack Young over property located at 1 Main Street, Dorchester. A copy of that order is attached hereto as exhibit 1. The receiver was appointed by the Court pursuant to M.G.L. c. 111, § 127I which states, in relevant part, that "[u]pon appointment, the receiver shall promptly repair the property and maintain it in a safe and healthful condition." M.G.L. c. 111, §127I. The powers and duties of Mr. Young as receiver were further delineated by the Court's June 30, 2000 Order, in particular paragraph 6.
2. The Respondent has blatantly violated the Court's June 30,2007 order by retaining full and exclusive possession of the premises and by his attempts to make repairs since entry of the June 30, 2007 order which fall within the receiver's express authority under the statute and the Court's June 30, 2007 Order. The Order requires that Respondent turn-over possession of the premises to the receiver, so the receiver can fulfill his statutory obligation

to"....promptly repair the property and maintain it in a safe and healthful condition." M.G.L. c.111, § 127I. The June 30, 2007 Order expressly states:

*"Within 48 hours of the signing of this Order, the Respondent shall transfer to the Receiver the right to obtain all keys to the apartments and common areas of the premises...The Respondent shall provide the Receiver with reasonable advance notice prior to entering any part of the Property."*

See June 30, 2000 Order, section 15. Rather than comply with this statute and Order, the Respondent took it upon himself to keep possession of the property, have his own workers on site, and refuse to grant access to the receiver. Young Aff." sections 5, 9, and 11.

3. Upon receipt of the June 30, 2007 Order, the receiver made a good faith attempt to begin the emergency repairs, secure the property from trespassers, and to make arrangements to make the repairs expected by the Court under the receivership order. See Affidavit of Jack Young, Esq., sections 9, 11. The Respondent had specific obligations under the Order, which included providing the receiver with the documentation necessary to secure the receiver's financing, contractor and other essential elements necessary to the receiver to complete his duties. See June 30, 2007 Order, section 15; Young Aff., section 6, 7. The Respondent has failed and refused to provide the documentation as required, hindering the receiver's ability to perform his duties. Young Aff., section 8. Needless to say, the Respondent failed to provide the 48 hour notice to the receiver of his intent to enter the premises as required by the June 30th Order at section 15.
4. Not only has Respondent violated the Court's June 30, 2007 order, his conduct on the premises has done more harm to an already bad situation. See Affidavit of Juan Ferriol dated September 7, 2007. He has completely gutted the interior of the property, failing to shore-up support beams and removing bearing walls on the first and second floors of the building. Ferrol Aff., section 9. He poured a concrete foundation, without submitting any of the structural plans required by the City to verify the quality and safety of the finished structure. Ferrol Aff., section 10. The Respondent failed to submit any exploratory permit, or engineer's report certifying the structural integrity of the building. Ferrol Aff., section 1. In sum, he has left the building in an unsafe condition, which poses a serious risk to the safety and health of not only the neighbors, but to his own workmen. Ferriol Aff., section 12, 15.
5. The Respondent has no excuse for violating the Court's explicit order by continuing to work on the property. Respondent has been involved in these proceedings for over a year. He is represented by counsel in these proceedings. At the June 28, 2007 hearing, the Respondent's counsel represented to the Court that the Respondent would not oppose the extension and modification of the receivership sought by Petitioners. Respondent's counsel opposed the detailed nature of the order, claiming it was excessive and unnecessary. The Petitioners sought the detail, so each party understood what their rights and responsibilities are, during the course of the receivership. Now, after entry of the order with the details proposed by the Petitioners, the Respondent has refused to comply with these express terms. His failure to comply has hindered the court-appointed receiver's ability to perform his lawful duties. Young Aff., sections 6, 7.

6. The Respondent has proven in the past his unwillingness, and confirms by his present actions his inability, to meet his obligations. The fact that the house, after 7 years, remains vacant and is in greater danger of collapse today is proof.
7. Furthermore, the Respondent had ample opportunity prior to entry of the June 30, 2007 order to retain control over the remedial stages of this matter, by complying with the Court's earlier orders. He failed to do so, choosing to ignore those earlier orders. Following a hearing on August 7, 2006, this Court entered an order on September 3, 2006 which allowed the Respondent to retain custody and control of the property, but directing the Respondent to repair the Property in accordance with specific terms set forth in that September 3, 2006 Order. These terms included: (1) restoring the premises to a habitable condition; (2) requiring Respondent to comply with all applicable state building, fire, electrical, sanitary and plumbing codes; (3) obtaining necessary permits to perform this work; (4) repair and restoration which included, without limitation, an exhaustive list of defects presented to the Court by Petitioners, and which had been the subject of number violations cited by the City in the past and which continued, unabated; (5) recertification of the Property for occupancy; (6) work to proceed on a "constant and daily basis and without delay;" (7) appointment of a receiver to oversee the Respondent's work at the Property, in accordance with the terms of the Order; and (8) submission of progress reports by the Respondent to Petitioners as work proceeded. The Respondent failure to comply with that order resulted in the entry of this Court's June 30, 2007 Order, transferring the custody and control of the premises to the receiver to remedy the problems.
8. Even the Respondent's efforts to do the repairs after entry of the June 30, 2007 order, in violation of this Court's June 30, 2007 order, failed. He still refuses to comply with his obligations to obtain the necessary engineering and structural analysis, he performed work in violation of code, and has left the Main Street community in Dorchester with a structurally unsafe and dangerous nuisance with which to contend. Ferriol Aff., section 15, 16; see also July 26, 2006 and June 2, 2007 Affidavits of Juan Ferriol, attached hereto as exhibits 2 and 3, respectively.
9. The Respondent attempts to convince the Court that the cosmetic repairs made to the exterior, and displayed in pictures, proves that he is capable of completing this job successfully. The fact is, there has been no change in the condition of this property since the Court entered the June 30, 2007 Order. Juan Ferriol's Affidavits confirm that the only change by Respondent to the property was making it more dangerous. See Ferriol Affidavit, section 8; Exhibit. 2, sections 14, 15-22; Exhibit.3, sections 8, 12, 16, 21-23. In fact, the roof, and most of the windows and siding displayed in the pictures submitted by Respondent in support of his motion were done prior to June 2, 2007. Exhibit. 3, section 12. It was the remaining hazards which prompted the Petitioners to seek extension and modification of the receivership order in June, 2007. Now, that same hazard has been aggravated by Respondent's blatant violation of this Court's June 30, 2007 order to turn control of the property over to the receiver for lawful repairs. Young Aff., section 13.

10. The Petitioners, therefore, respectfully request that the Court deny Respondent's motion to dissolve the receivership.
11. The Petitioners respectfully request that the Court grant their cross motion for injunctive relief, pursuant to M.G.L. c.111, §127I, c.185C, §3 and the Court's equity powers, directing the Respondent to:
  - a. Comply with M.G.L. c.111, § 127I and all prior orders of this Court; and
  - b. Cease any and all construction or other work on the subject property, while this receivership is in effect.

Respectfully submitted,

By the Petitioner

MARTHA COAKLEY  
ATTORNEY GENERAL

By Her attorney

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Matthew Q. Berge (BBO#)  
Assistant Attorney General/Trial Div.  
200 Portland Street  
Boston, MA 02 1 14  
(617) 727-2200

DATED: September 13, 2007

I hereby certify that I have this date, September 13, 2007, served upon Tom Smith, Esq., a true copy of the foregoing document, by delivering a copy by hand to his office at One Bromfield Street, Boston, Massachusetts 02108.

---

Matthew Q. Berge

[Date]

VIA CERTIFIED MAIL

[Name and address of Creditor]

Re: (abandoned property address)

To Whom It May Concern:

This letter concerns the condition of the residential premises located at **[address of abandoned property]** which is owned by **[owner's name]**. Your institution is on record at the Registry of Deeds as being a creditor with a security interest on this property.

This property has several long-standing violations of the State Sanitary Code, including but not limited to the following **[by way of example]**:

1. abandonment with evidence of small fires which pose a serious risk to the health and safety of the abutters and residents of the community;
2. dangerous accumulation of combustible materials in the interior of the property;
3. trash and debris in the yard; and
4. inadequate sanitation facilities and electrical equipment.

On **[date of demand letter to owner]**, we sent notice by certified mail to **[owner]** regarding the status of this property. This letter provided the owner with \_ days notice requiring that he bring the subject property up to Code to avoid enforcement actions through the Housing Court. To date, **[owner]** has given no indication that he intends to undertake the repairs required to bring the property into compliance with the Code.

The Office of the Attorney General is hereby providing you notice, as a creditor with a recorded security interest on the property, that we intend to petition the Housing Court, pursuant to General Laws chapter 111, section 127I (copy enclosed), for the appointment of a receiver for the property at **[address]** on or after **[date of anticipated filing]**.

If you should have any questions regarding the above procedure, or if you plan to have legal counsel attend same, please contact me to discuss the petition process.

Very truly yours,

June \_\_\_\_, 2008

**[Receiver's Name and Address]**

RE: Attorney General, Petitioner, v. **[Name]**, Respondent  
Superior Court Housing Court Department (Boston)  
Civil Action No. \_\_\_\_\_

Dear **[Receiver]**:

We enclose a copy of the Order to Enforce the Sanitary Code and for Appointment of a Receiver to **[property]**. This Order was filed with the Registry of Deeds on June 1, 2008. Please note that, pursuant to that Order, the following tasks must be completed by the Receiver on the date set by the Order:

July 31, 2008: The receiver must file with the Court and serve upon all parties a report setting forth all expenses and disbursements of the Receivership, with attached receipts, and an accounting of all funds received by the Receiver during the period covered by the report;

September 11, 2008: The Receiver must file and serve upon all parties, eight weeks<sup>1</sup> after that initial report, an updated report setting forth all expenses and disbursements of the Receivership, with attached receipts and an accounting of all funds received by the Receiver. If the property is or becomes occupied, the Receiver shall provide a list of all tenants residing at the Property, together with a list of current rental amounts and the status of the rental payments.

November 20, 2008: The Receiver shall file and serve an updated report in the manner set forth in number two

Please note that the Receivership appointment is set by the present Order to terminate after 180 days from the entry of that Order. At that time, the Receiver is expected to provide its final accounting and report to the Court, the Petitioner and all parties to this action for final approval by the Court.

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<sup>1</sup> The Petitioner may consider requesting a different time period in the proposed order, e.g. a thirty day reporting requirement where a receiver undertakes a particularly difficult rehabilitation project, the property is occupied on the date the order is entered, or the owner appears to contest the receivership.

Very truly yours,

MARTHA COAKLEY  
ATTORNEY GENERAL

Petitioner,

---

Matthew Q. Berge  
Assistant Attorney General



COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

TRIAL COURT  
HOUSING COURT DEP'T  
SOUTHEAST DIVISION  
C.A. NO. 01-

ATTORNEY GENERAL for the  
COMMONWEALTH OF MASSACHUSETTS,

Petitioner,

v.

JOHN DOE and ESTATE OF JANE DOE, or her  
heirs, successors, or assignees having any interest in  
real property located at 15 Commonwealth St,  
Taunton, Massachusetts.

Respondents.

PETITION OF THE ATTORNEY GENERAL  
FOR THE COMMONWEALTH OF MASSACHUSETTS  
TO ENFORCE THE SANITARY CODE  
AND FOR APPOINTMENT OF A RECEIVER

This is a petition by Martha Coakley, Attorney General for the Commonwealth of Massachusetts, and the City of Taunton seeking enforcement of the provisions of the State Sanitary Code (“Code”). The property owned by the Respondents has numerous and long-standing Code violations, which pose a serious risk to the health, safety, and well-being of abutters and residents of the community.

JURISDICTION

1. The jurisdiction of this court is founded upon the general equitable powers of

G.L. c. 111, §127I, and c. 185C, § 3.

2. The petitioner, the Attorney General for the Commonwealth of Massachusetts, is a public official under the constitution and laws of the Commonwealth of Massachusetts.

3. The petitioner, City of Taunton, is a duly constituted municipal corporation located in Bristol County, Massachusetts.

4. The respondent, John Doe, is the record owner of the premises know as 15 Commonwealth St (the “Property”), Bristol County, Taunton, Massachusetts. John Doe’s residential address is unknown to the petitioners. See Motion for Alternative Service of Process.

5. Respondents, the Estate of Jane Doe or the heirs, successors, or assignees of Jane Doe, may retain legal interest in the Property and, consequently, in this Petition. According to the deed on file at the Taunton Registry of Deeds, the Property was conveyed to John Doe from Jane Doe for consideration of less than \$100 on September 20, 2005. On information and belief, Jane Doe has been judicially declared incompetent before September, 2005. Also on information and belief, the notary signature appearing on the deed was falsified.

#### FACTUAL ALLEGATIONS

6. The Property is an unoccupied single-family dwelling located at 15 Commonwealth St, Taunton, Massachusetts.

7. The defective conditions on the Property which existed and/or continue to exist, include, but are not limited to: rotted and/or nonweather tight roofline; broken, missing and/or nonweather tight windows, and overgrown vegetation with possible harborage of animals.

8. The possibility of vandalism, trespass and other illegal activities, poses a

significant risk that the Property will be destroyed beyond repair without the intervention of this Court.

9. Good faith efforts were made to bring the issue to the attention of John Doe. See Exhibit A, Affidavit of John Gardner. A certified letter was sent to John Doe at the 15 Commonwealth St address. See Ex. A. No other residential address for John Doe is on record, nor has the Office of the Attorney General been able to locate John Doe been located after investigation in both Massachusetts and Rhode Island. See Motion for Alternative Service of Process and Affidavit of Monique Cascarano.

10. The respondent, John Doe, has given no indication that he intends to undertake the repairs required to bring the Property into compliance with the Sanitary Code.

11. Respondent's failure or inability to repair the Property poses an immediate danger to the health, safety and well being of abutters and community residents. See Ex. A.

#### RELIEF REQUESTED

WHEREFORE, petitioners pray that this Court, in accordance with the Proposed Order attached as Exhibit B:

1. Schedule a hearing for appointment of a receiver for the Property pursuant to G.L. c. 111 § 127I;

2. Approve a preliminary budget for the repair and maintenance of the Property at the hearing for appointment of a receiver;

3. Order that the Property be secured, repaired and brought into conformity with the State Sanitary Code and other applicable codes by the appointed receiver; and,

4. Grant such further relief as this Court deems fit and proper.

Respectfully submitted,  
Petitioners,

CITY OF TAUNTON  
By its attorney,

MARTHA COAKLEY  
ATTORNEY GENERAL

---

Honorina DaSilva-Kilgore, BBO  
39 Taunton Green  
Suite 203  
Taunton, MA 02780  
(508) 822-3200

---

Matthew Q. Berge, BBO 560319  
Juliana deHaan Rice, BBO 564918  
Assistant Attorneys General  
Office of the Attorney General  
One Ashburton Place, Room 2019  
Boston, MA 02108-1698  
(617) 727-2200

Dated: June \_\_\_\_, 2008

**COMMONWEALTH OF MASSACHUSETTS  
THE TRIAL COURT**

**SUFFOLK, ss.**

**THE TRIAL COURT  
HOUSING COURT DEPARTMENT  
CITY OF BOSTON DIVISION  
CIVIL ACTION. NO.**

---

**ATTORNEY GENERAL FOR THE  
COMMONWEALTH OF MASSACHUSETTS**  
Petitioner

v.

**JOHN DOE**  
Respondent

---

**ORDER**

After hearing on September 5, 2008, regarding the Receivership on the property located at 323-325 Queen Street, Dorchester, MA, the Court finds an order as follows:

1. \_\_\_\_\_, Receiver of the above mentioned property, reported to the Court that he had repaired the property to bring it into compliance with Sanitary Code.
2. The Receiver reported the expenses incurred for the repair, operation, maintenance, and management of the property as follows:

Demolition and Clean Up	\$83,000.00
Repair Framing	\$1,000.00
Plumbing and Heating	\$17,500.00
Electric Wiring	\$8,600.00
Replacement Windows	\$6,000.00
Sheetrock and Plaster	\$11,000.00
New Doors	\$4,500.00
New Kitchen Cabinets	\$3,600.00
New Stoves	\$917.00
Tile Bathrooms	\$3,000.00
Paint Apartments	\$3,800.00
Repair Siding	\$3,000.00
Sanding Floors	\$1,800.00
Carpeting	\$1,100.00

Finishing	\$1,100.00
Finishing Carpeting	<u>\$22,883.00</u>
Total Repairs	\$97,000.00
Real Estate Taxes	\$17,000.00
Water and Sewer Bills	\$4,000.00
Building Permit	\$607.00
Insurance by Receiver	\$216.00
Insurance by Contractor	\$476.00
Receivership Fee	<u>\$10,000.00</u>
Total Expenses	\$129,299.00

3. The Court accepts the Receiver's report and finds that the Receiver has a lien for the above mentioned expenses as described under G.L. c. 111, § 127I.
4. The Court orders that the Receiver may foreclose on his lien.
5. The disbursement of funds recovered from the foreclosure shall occur in the following order of priority:
  - a. All municipal liens as required under G.L. c. 111, § 127I.
  - b. The cost of foreclosure on the Receiver's lien
  - c. The cost of the Receivership in the order itemized above.
  - d. No creditors having filed an appearance in this action, the Receiver shall disburse any excess fund from the foreclosure to the Respondent.
6. After foreclosure on the Receiver's lien the Receiver shall file a final report with the Court
7. If the Court accepts the final report, the parties shall stipulate to dissolve the Receivership.

Entered this date of

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Signatory  
Chief Justice

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

HOUSING COURT DEPARTMENT  
CITY OF BOSTON  
DOCKET. NO.

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ATTORNEY GENERAL FOR THE	)
COMMONWEALTH OF MASSACHUSETTS,	)
Petitioner	)
	)
vs.	)
	)
JOHN DOE	)
Defendent	)
<hr/>	

ORDER

- At a hearing on December 12, 2008 regardig the Receivership on the propert located 77 Main Street, Dorchester, Massachusetts, the Court finds and orders as follows:  
Tom Ray, Receiver of the above mentioned property, reported to the Court that he had repaired the property to bring it into compliance with the Sanitary Code.
- The Receiver reported the expenses incurred for the repair, operation, maintenance, and management of the property as follows:

Permit fees	1,511.00
Clean out and dump	12,950.00
Masonry	2,500.00
Rough Carpentry	27,260.00
Finish Carpentry	15,840.00
Lead Paint	2,000.00
Roofing	4,550.00
Doors	5,000.00
Windows	6,000.00
Plaster	11,000.00
Vinyl Flooring	700.00
Painting	5,500.00
Cabinets	4,800.00
Appliances	6,000.00
Caret	5,000.00
Plumbing	8,000.00
Heating	9,000.00
Electrical	10,000.00

Siding	18,150.00
Legal Fee (Lender)	2,200.00
Lender's Fees	1,840.00
Interest	8,500.00
Insurance	1,200.00
Real Estate Taxes	1,475.00
Accounting	750.00
Appraisal Fee	450.00
Security	1,000.00
Utilities	1,500.00
Construction Draw Inspections	1,400.00
Legal Fees and Foreclosure	4,000.00
Developers Overhead & Profit	23,890.00
	\$203,966.00

3. The Court accepts the Receivers report and finds that the Receiver has a lien for the above mentioned expenses as described under G.L. c. 111, s. 127I.
4. The Court orders that the Defendant may have up January 15, 2009 to pay the Receiver's Lien. If the Defendant shall pay the Receiver's Lien the Receiver will be discharged and the case shall be closed.
5. The Court orders that if the Defendant does not pay the Receiver's Lien as permitted under paragraph 4 of this order by January 15, 2009 the Receiver may foreclose on his lien advertising the sale in the Boston Herald not less then thee times prior to the sale. The Receiver shall be entitled to additional legal costs, fees and expenses in the approximate amount of \$2,000.00 if payment is not received by January 15, 2009.
6. The Court Orders that the disbursement of funds recovered from the foreclosure shall occur in the following order of priority:
  - a. All municipal liens as required under G.L. c. 111, s. 127I.
  - b. The cost of foreclosure of the Receiver's lien including advertising in the Boston Globe and the Boston Herald.
  - c. The cost of the Receivership in the order itemized above, which costs were advanced by a lender secured by an assignment of the Receiver's Lien. Said Lender shall be paid all outstanding principal and interest though the date of payoff which is normally the days after the foreclosure auction.
  - d. The Receiver may disburse any excess funds from the foreclosure to the Respondent.
7. After foreclosure of the Receiver's lien, the Receiver shall fie a final report with the Court.

# Preliminary injunction



COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

TRIAL COURT  
HOUSING COURT DEP'T  
SOUTHEAST DIVISION  
C.A. NO. 01-

ATTORNEY GENERAL for the  
COMMONWEALTH OF MASSACHUSETTS,  
and the CITY OF TAUNTON,

Petitioners,

v.

JOHN DOE and ESTATE OF JANE DOE, or her  
heirs, successors, or assignees having any interest in  
real property located at 15 Commonwealth St,  
Taunton, Massachusetts.

Respondents.

MEMORANDUM OF LAW IN SUPPORT OF  
MOTION FOR ALTERNATIVE SERVICE OF PROCESS

This is an action by Martha Coakley, Attorney General, petitioning the Court for an order to enforce the state sanitary code and for appointment of a receiver for residential property located at 15 Commonwealth Street, Taunton, Massachusetts. The Attorney General is authorized by the state sanitary code, G.L. c.111, §127I, to seek this relief from the Superior Court. The Attorney General's petition will also invoke the Superior Court's general equity jurisdiction, G.L. c. 185C, §3. The Attorney General's petition is based upon long-standing violations of the sanitary code, in addition to violations of the applicable building, fire and other health codes at the Subject Premises. These serious and continuing violations pose a risk to the health and safety of the neighbors and other community members unless they are abated by the

owner or by a receiver appointed by the Court.

John Doe is identified as the owner of the property on a deed recorded at the Bristol County Registry of Deeds, in Taunton, at book number 7965, page 31. Affidavit of Monique Cascarano (“Cascarano Aff.”) ¶ 3. The deed says that, on September 20, 1995, an individual named Jane Doe granted title to John Doe for consideration of less than one hundred dollars (\$100.00). Cascarano Aff. ¶ 3. At that time, Jane Doe was a nursing-home resident and he has since died. Cascarano Aff. ¶ 6. His sister, Helen Ring was named executor of his estate. Cascarano Aff. ¶ 9. Helen Ring died May 8, 2001. Cascarano Aff. ¶ 17.

The Attorney General has attempted to notify the record owner of the property about the violations, but to no avail. The Attorney General searched the records of the Registry of Motor Vehicles, the Westlaw computer databases for a multistate search, and the U.S. Postal Service at Taunton in an effort to locate John Doe’s current address. See Cascarano Aff. ¶¶ 5-6, 8-9, 10-13. The notary public who purportedly witnessed the signing of the deed cannot be located. Cascarano Aff. ¶ 10.

The Attorney General next attempted to contact Jane Doe, the grantor of the deed to John Doe in 1995, only to learn that he had died. Cascarano Aff. ¶ 6. At the time of the transfer and at the time of his death, the grantor Doe was a resident of the Oak Hill Nursing Home, [**name city and state**]. Cascarano Aff. ¶ 6. Nobody at this nursing home had heard of John Doe, but the manager did provide a name and address for Helen Ring, Jane Doe’s next of kin and executor. Cascarano Aff. ¶ 6.

The Attorney General attempted to contact the executrix, Helen Ring, at 2400 South County road #11, East Greenwich, Rhode Island, 02818. Cascarano Aff. ¶ 7. Ms. Ring did not

reply. Cascarano Aff. ¶ 8. The Attorney General did receive separate calls from Jane Smith and Ed McGinney, individuals identifying themselves as Ms. Ring's daughter and son-in-law, respectively. Cascarano Aff. ¶ 8. They said that they were not aware that Jane Doe had transferred the property and that they had no knowledge of John Doe. Cascarano Aff. ¶ 8. They also said that Jane Doe had suffered from dementia prior to his death. Cascarano Aff. ¶ 8.

### **LEGAL ARGUMENT**

Mass.R.Civ.P. 4(d)(1) provides the rules for personal service of the original summons and complaint. Included in this rule is a provision for occasions for which defendants cannot be located:

“...If the person authorized to serve process makes return that after diligent search he can find neither the defendant, nor defendant's last and usual abode, nor any agent upon whom service may be made..., the court may on application of the plaintiff issue an order of notice in the manner and form prescribed by law.”

Mass.R.Civ.P. 4(d)(1). Here, the Respondent Doe cannot be located, despite the diligent efforts taken by the Attorney General's Office to locate this Property owner. The Court should exercise the discretion granted by the cited rule and provide for an alternative mode of service.

The law permits that service be made and due process satisfied by publication where either the defendant or defendant's whereabouts is unknown. In such cases, “[i]t is well established that where it is impossible to ensure interested parties receive actual notice--as when the identities or addresses of those parties are unknown-- ‘even a probably futile means of notification (such as notice by publication) is all that the situation permits and creates no constitutional bar to a final decree foreclosing their rights.’” Town of Andover v. State Financial Services, Inc., 48 Mass. App. Ct. 536, 540 (2000), *citing* Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 317 (1950). In Mullane, the Supreme Court discusses the limits of due

process and the alternatives to actual notice with respect to trusts created by state law. However, the Court notes that “[a] state may indulge the assumption that one who has left tangible property in the state either has abandoned it, in which case proceedings against it deprive him of nothing, ..., or that he has left some caretaker under a duty to let him know that it is being jeopardized.” Mullane 339 U.S. at 316 (citations omitted).

In our case, the owner has abandoned the most tangible of property which can be found within the Superior Court’s jurisdiction--real estate. He is, therefore, not entitled to any notice since, by abandonment of the property, he is deprived of nothing. Mullane at 316, *citing* Ballard v. Hunter, 204 U.S. 241 (1907). The relief sought by the Attorney General deprives the owner of no property interest, so due process does not require that notice be provided. *Id.*

Even if this owner is entitled to notice, then due process will be satisfied by publication of notice coupled with a posting of the notice on the abandoned house itself. The owner appears to have a caretaker in the Commonwealth to care for his property: the Attorney General’s investigator received a telephone call in December, 2008 from someone identifying himself as the owner’s workman, in response to her leaving a business card at the abandoned house. Cascarano Aff. ¶¶ 11-12. That person refused to give any information about the owner. Cascarano Aff. ¶¶ 11-12. On a recent visit to the site, Investigator Cascarano noticed that the lock securing the front door had been replaced; indicating further that the owner has a caretaker for his Massachusetts real estate. Cascarano Aff. ¶\_\_.

The problem remains that the owner does nothing to abate the serious code violations, to the detriment of his neighbors; while at the same time cannot be located for personal service.

## **CONCLUSION**

Based upon the foregoing, the Court should exercise its discretion and permit service to be made by publication and posting of the notice of the Attorney General's petition to this Court for an order enforcing the state sanitary code and for appointment of a receiver.

Respectfully submitted

MARTHA COAKLEY  
ATTORNEY GENERAL

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Matthew Q. Berge (BBO# 560319)  
Assistant Attorney General  
Government Bureau/Trial Division  
200 Portland Street  
Boston, MA 02026  
(617) 727-2200

Dated: June 20, 2009

**COMMONWEALTH OF MASSACHUSETTS  
THE TRIAL COURT**

**SUFFOLK, ss.**

**THE TRIAL COURT  
HOUSING COURT DEPARTMENT  
CITY OF BOSTON DIVISION  
CIVIL ACTION. NO.**

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**ATTORNEY GENERAL FOR THE  
COMMONWEALTH OF MASSACHUSETTS**  
Petitioner

vs.

**TED PETERS**  
Respondent

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**ORDER**

After a hearing on July 1, 2009, the court rules as follows:

1. The Receiver's final report is accepted.
2. The Receiver's sale conducted by public auction on May 28, 2009 to satisfy the Receiver's lien is approved and the Receiver is Authorized to execute a deed to \_\_\_\_\_, Trustee of the 323- 325 Queen Street Realty Trust in consideration of \$136,000.00.
3. The Receiver shall distribute the .sale proceeds in accordance with the final report. The Receiver shall distribute \$5,207.86 to Ted Peters
4. All Real Estate Taxes and Water & Sewer Bills that have previously been paid shall be paid out of the sale proceeds.
5. The Receiver's Lien being entitled to priority over all other liens other then municipal liens pursuant to M. G. L. chapter 111, Section 127I, and all other lien creditors having received notice and having failed to appear in this action, the Receiver's sale shall be free and clear of all liens other then municipal liens.

6. The Receivership shall remain open for thirty days after this order for the receiver to execute the foreclosure deed to effectuate the sale and disburse the funds. Thirty days after this order is signed the receivership is closed and the receiver is discharged.

Entered this the day of July, 2009

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Signatory  
Chief Justice

# Termination of receivership

COMMONWALTH OF MASSACHUSETTS

SUFFOLK ss.

CHELSEA DISTRICT COURT

ADMINISTRATIVE PUBLIC BUILDING INSPECTION WARRANT  
AND RETURN ISSUED PURSUANT TO M.G.L. c 143. § 97. 780 CMR

Proof by affidavit having been made this day before \_\_\_\_\_ by Alvaro Perez that there exists a reasonable and systematic program for the inspection of premises in the City of Chelsea for violations of, and compliance with, the State Building Code, that the entrance to the premises has been refused and that the Applicant has a statutory and regulatory duty, pursuant to M.G.L. c 143. § 97. 780 CMR, to inspect premises under such a program:

WE THEREFORE COMMAND YOU, pursuant to M.G.L. c 143, § 97.780 CMR to conduct an administrative public building inspection of the premises at:

33a Frank Street, a. white two family wood frame structure with a detached two car garage

WE FURTHER COMMAND YOU to carry out the administrative public health inspection for the following purposes:

to comply with a program of systematic area inspection to determine whether minimum physical standards of the an safety in dwellings are being maintained and to investigate the cause origin and circumstances of any code violations found.

YOU ARE AUTHORIZED pursuant to M.G.L. c J 43. § 97. 18Q CMR in carrying out the inspection to:

enter the premises; make observation of the premises, including structural, electrical, plumbing lead paint and fire protection conditions, animal control and other systems and conditions affecting health and safety; take photography of the premises; examine into and destroy, remove or prevent any nuisance, source of filth or cause of sickness.

YOU FURTHER AUTHORIZED to utilize members of the State Police, local Public Health Department, local police and fire departments and such other personnel (e.g. safety code inspectors, chemists, electricians) as you may require to conduct the administrative public health inspection which is authorized by this warrant.

WE FURTHER COMMAND YOU to begin the inspection as soon as practicable after the issuance of this Administrative Public Health Inspection Warrant during reasonable hours and to complete the inspection of the premises with reasonable promptness.

A PROMPT RETURN shall made to Chelsea District Court showing that the inspection has been completed not later than seven (7) days from the date of the issuance of Administrative Inspection Warrant.

WITNESS: \_\_\_\_\_, Esquire

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_.

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\_\_\_\_\_  
Justice, Clerk Magistrate/ Assistant Clerk Magistrate

**COMMONWEALTH OF MASSACHUSETTS**

**SUFFOLK, ss.**

**TRIAL COURT  
HOUSING COURT DEPARTMENT  
CITY OF BOSTON  
C.A. NO.**

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**ATTORNEY GENERAL FOR THE  
COMMONWEALTH OF MASSACHUSETTS,** )  
**Plaintiff** )  
 )  
**vs.** )  
 )  
**JOHN DOE** )  
**Defendant** )

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**RECEIVER'S REPORT**

On June 30, 2008 the Court entered an Order on the Petition to Enforce the State Sanitary Code and for Appointment of a Receiver. The Court appointed Tom S. Ray as the receiver for 77 Main Street, Dorchester.

- 1) Pursuant to paragraph 6 (c) the receiver reports that the property is open and vacant and a danger to the public. The property has a leaking roof and the plaster ceilings are collapsing. All ceilings need to be removed, roof leaks repaired and the property needs to be secured against trespass.
- 2) Pursuant to paragraph 6 (d) the receiver reports that the property is not in compliance with the State Sanitary Code. Windows are not weather tight, doors are missing, plaster is not secured to the underlying lath, the foundation has holes 1 there are no adequate heating systems, there is no plumbing facilities, the roof is leaking, bathroom and kitchen floors are not watertight, there are holes throughout the dwelling allowing insect and rodent infestation, water service is off, electric service is off, gas service is off and the gas service can not be turned on until the gas service has been pressure tested, there are no stoves, plumbing pipes in the walls have cracked and frozen, the entire building needs to be totally rehabilitated to obtain Certificates of Compliance with the State Sanitary Code through the Boston Inspectional Services Department pre-rental inspection program.
- 3) The receiver states the property will require complete rehabilitation to address conditions which materially endanger the health and safety of abutters and community residents. A list of repairs and estimated costs are attached to this report.

- 4) The receiver has received no funds to use pursuant to paragraph 6 (e) for repairs.
- 5) Pursuant to paragraph 12 of the order the Receiver may borrow funds from the contractors hired to make the repairs and such borrowing may increase the cost of repairs with interest costs estimated at \$8,000.00.
- 6) The Respondent has not complied with paragraph 15 of the Order in that the Respondent has not provided the Receiver with information about liens, insurance, utilities, real estate tax, contracts or other information about the property.
- 7) The Respondent has not turned over any keys to the Receiver.

Signed at Boston this the 5th day of October, 2008

Tom Ray, Receiver

Tom Ray  
by his Attorney

Sam. Byer  
BBO 447190  
Byer & Ball  
10 Dorchester Avenue  
Boston, MA 02125

RECEIVERS' SALE OF REAL ESTATE AT PUBLIC ACTION  
PURSUANT TO MASSACHUSETTS GENERAL LAWS c. 111, sec. 127I

By virtue of an Order of the Boston Housing Court dated November 23, 2008 (Docket No. ) in favor of (name), Receiver and against Ted Peters establishing a lien under G.L. c. 111, sec. 127I on the real estate known as 313-325 Queen Street, Dorchester, MA for the purpose of satisfying such lien, real estate will be sold at public auction at 3 :00 o'clock P.M. on the 28th day of May 2009, on the premises hereinafter described, all and singular the premises described in a deed. To wit:

The land with two family house thereon numbered 323-325 Queen Street in that part of Boston called Dorchester, being shown as Lot 2 on plan of Land in Boston, S.L. Leftivith, Consulting Surveyor, dated January 1, 1924, recorded with Suffolk Registry of Deeds in book 4555, page 551, bounded as follows:

NORTHEASTERLY	by Quincy Street, 37.90 feet;
SOUTEASTERLY	by Lot 1 on said plan, 66.11 feet;
SOUTWESTERLY	by land now or formerly of Robbins, 38.20 feet; and
NORTHWESTERLY	by land now or formerly of Eliz A. Upham, 66 feet

Containing 2514 square feet of land according to said plan.

For title see Suffolk Probate No.

TERMS OF SALE: A deposit of \$5,000.00 shall be paid by th purchaser in cash, certified, cashier's or bank check at the time and place of auction sale. The balance of the purchase price is to be paid in cash or by certified, cashier's or bank check at the office of ( ) Attorneys at Law, Dorchester Avenue, Boston, Massachusetts 02125 within thirty (30) days from the date of sale. Deed will be provided to the purchaser for recording upon receipt in full of the purchase price. The description of the premises contained in said deed shall control in the event of an error in this publication. Other terms to be announced at the sale.

Dated: April 28, 2009

( ), Receiver  
by his attorneys,  
Attorney  
1011 Dorchester Avenue  
Boston, Massachusetts 02125



Tile Bathrooms	\$3,000.00
Paint Apartments	\$3,800.00
Repair Siding	\$3,000.00
Sanding Floors	\$1,800.00
Carpeting	\$1,100.00
Finishing	\$1,100.00
Finishing Carpeting	<u>\$22,883.00</u>

Total Repairs	\$97,000.00
Interest to Contractor	\$7,014.36
Real Estate Taxes	\$5,169.77
Water and Sewer Bills	\$5,934.00
Building Permit	\$607.00
Insurance by Receiver	\$216.00
Insurance by Contractor	\$476.00
Receivership Fee	<u>\$10,000.00</u>
Foreclosure Expenses and Legal Fess	\$3,683.98
Total Expenses	\$130,101.11

3. On November 24, 2008 the Court accepted the Receivers report. The current report reflects changes since September 5, 2008 when the costs of the receivership were \$129,299.00.
4. The Court Ordered that the Receivers Expenses are a priority lien over all other liens other than municipal liens pursuant to M.G.L. chapter 111, Section 127I.
5. The Court Ordered that the Receiver may foreclose the receiver's lien and disburse any funds recovered from the foreclosure, first, paying the municipal liens as required by the statute, second, paying the costs of the foreclosure of the lien, and then disbursing the balance in accordance with the report tendered to the Court.
6. The Court ordered that because no creditors filed an appeared to the Respondent.
7. The Court ordered that after the foreclosure of the Receiver's Lien the Petitioner is to file a final report with the Court and a Motion to dissolve the Receivership.
8. The receiver's lien was foreclosed by public auction on May 28, 2009.
9. The auction was conducted by \_\_\_\_\_, Auctioneer.
10. The bidding began at \$25,000.00 and the high bidder was \_\_\_\_\_, Trustee with a high bid of \$136,000.00. A copy of the auctioneer's report is attached hereto as Exhibit "A".
11. The receiver has received rent in the amount of \$8,342.00 since November 24, 2007.
12. The rent received has been paid to the City of Boston to reduce the real estate tax obligations.

13. The current balance due on the real estate taxes is \$5,169.77 and interest continues to accrue at about \$0.89 per day.
14. Prior to the Receiver's sale a legal notice was published in the Boston Herald on May 2, 9, and 16. A copy of the legal ad and the bill for the ad is attached hereto as Exhibit "B". In addition a display ad was placed in the Auction section of the Boston Herald on May 24, 2009. A copy of the display ad and the bill for the ad is attached hereto as Exhibit "C"
15. In addition to the legal and display ads the receiver caused notices to be sent certified mail to all parties with any interest in the property.
16. The receiver had no funds to effectuate the repairs in this case.
17. The receiver found a contractor who would make the repairs and wait for his payment.
18. The contractor finished all his work and was due to be paid by the time of the hearing on September 5, 2008. The contractor had obtained delead certificates and a certificate of occupancy prior to the September 5, 2008 hearing.
19. The contractor should be entitled to interest at the statutory judgment rate of 12% from September 5, 2008 through May 28, 2009. The Contractor seeks payment of \$7,014.36 in interest to compensate him for having to wait for payment after having completed the work.
20. The receiver asks that the court authorize payment of to (Attorney) in accordance with the attached invoice for legal fees, advertising and auction expenses in the amount of \$3,683.98 which consists of \$2,018.75 in legal fees and \$1,665.23 in expenses for advertising and auctioneer's fees all as shown in Exhibit "D" attached hereto.
21. The rental income has been used to reduce the taxes to such an extent that despite the interest to the contractor and the legal fees and expenses due to (Attorney) the total cost of the receivership presented in the accounting presented to the court on September 5, 2008 has only increased \$1,493.14.
22. If the court approves the sale the former owner, Ted Peter, will net \$5,207.86.
23. The receiver having substantially completed his work requests that he be discharged as receiver.

WHEREFORE, the receiver asks that the Court

- a. Approve the sale of the property at 323 -325 Queen Street to \_\_\_\_\_, Trustee of the 323-325 Queen Street Realty Trust.
- b. Authorize the Receiver to disburse \$5,207.86 to Ted Peter.
- c. Accept and approve the final accounting provided by the receiver in this case.
- d. Discharge the receiver.

\_\_\_\_\_, Receiver  
by his attorney

Attorney for the Receiver  
BBO  
(Attorney)  
1000 Dorchester Avenue  
Boston, MA 02125  
. (

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

TRIAL COURT  
HOUSING COURT DEPT  
CITY OF BOSTON

ATTORNEY GENERAL for the  
COMMONWEALTH OF MASSACHUSETTS,  
Petitioners,

v.

ESTATE OF JOHN DOE, HEIRS, AND  
ASSIGNS, AND JANE DOE, AND OTHER  
INTERESTED PARTIES of the real property  
located at 77 Main Street, Dorchester,  
Massachusetts  
Respondents.

AFFIDAVIT OF TERESA WALSH

1. My name is Teresa Walsh and I am currently employed as an assistant attorney general in the Office of the Attorney General.
2. I am currently the responsible attorney assigned to this case.
3. Notice of publication of this hearing for May 4th, 2008 at 2:00p.m. ran in the Boston Herald on April 6 and 13, and in the metropolitan newspapers of Lawrence, New Bedford, Springfield and Worcester on two consecutive weeks of April 13 and 20, 2008. Tearsheets are attached herewith.
4. No objection to this hearing was received by this office.

Signed under the penalties of perjury this 3rd day of May, 2008.

TERESA WALSH

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

TRIAL COURT  
HOUSING COURT DEP'T  
SOUTHEAST DIVISION  
C.A. NO. 01-

ATTORNEY GENERAL for the  
COMMONWEALTH OF MASSACHUSETTS,  
and the CITY OF TAUNTON,

Petitioners,

v.

John Doe and ESTATE OF Jane Doe, or his heirs,  
successors, or assignees having any interest in real  
property located at 15 Commonwealth Road,  
Taunton, Massachusetts.

Respondents.

PROPOSED FORM OF ORDER ON PETITION  
TO ENFORCE THE STATE SANITARY CODE  
AND FOR APPOINTMENT OF A RECEIVER

1. **Introduction:** Pursuant to G.L. c. 111 §127I and the general equity powers of this Court, following a hearing on \_\_\_\_\_, the Court hereby finds with respect to the Property located at 15 Commonwealth Road, Taunton, Massachusetts (the "Property"):
2. **Parties:** The petitioner in this action, Martha Coakley, Attorney General for the Commonwealth of Massachusetts, is a public official under the constitution and laws of the Commonwealth of Massachusetts. The Petitioner City of Taunton is a duly constituted municipal corporation. The respondent, John Doe, is the record owner of the Property. The respondent, the estate of Jane, or her heirs, successors, or assignees having any interest in real property located at 15 Commonwealth Road, Taunton, Massachusetts, may also have some interest in the property.
3. **Procedural Posture:** The Property is an abandoned and unsecured, single dwelling which fails to meet the minimum standards of decency for human habitation. By certified letter dated May 18, 2008, the City of Taunton, Board of

Health, made a good-faith effort to notify the respondent, Arthur Taylor, of sanitary code violations at the property and order their correction. To date, the Respondent has given no indication that he intends to undertake or is capable of undertaking the repairs required to bring the Property into compliance with the Building and State Sanitary Codes.

On \_\_\_\_\_, the Petitioner filed its Petition and a Motion for Alternative Service of Process. Both motions were allowed by the Court. On \_\_\_\_\_, the Petitioner provided the Respondent with notice of the hearing on the Petition by hand, and, alternative service was affected by publication. On \_\_\_\_\_, following a hearing on the merits, Justice \_\_\_\_\_ granted the Petition which included the Petitioner's request to appoint **ProHome, Inc.** as receiver of the Property.

**4. Description and Condition of the Premises**

The Property is an unoccupied single family dwelling. It has numerous long standing Code violations which pose a serious risk to the health, safety and well being of abutters and residents of the community. The defective conditions in the Property which have recently existed and/or continue to exist, include but are not limited to: broken and/or missing windows, non-weather-tight roofline, overgrown vegetation providing possible habitat for vermin.

The present abandoned state of the Property creates a high risk of vandalism, trespass, fire damage and personal injury to abutters and residents of the community. The overgrowth of trees and bushes and general state of the property has made it conducive to criminal activity. As the Property continues to deteriorate and create greater risks to the general public, there is also a significant risk that it will be destroyed beyond repair without the intervention of this court.

**THEREFORE**, following a hearing held on \_\_\_\_\_, the Court hereby orders as follows:

- 5. **Receiver ProHome, Inc.** is hereby reappointed Receiver of the Property ("Receiver"). This appointment is effective upon the signing of this Order, and will last 180 (ONE HUNDRED AND EIGHTY) days. Depending upon circumstances that may prevail in the future, this appointment and the terms thereof, as set forth below, are subject to review at the request of any party to these proceedings, at the initiative of the Housing Specialist Department, or by order of the Court.
- 6. **Authority and Duties of Receiver** The authority and duties of the Receiver shall be as follows:
  - (a) To employ companies, persons or agents to perform its duties hereunder.

- (b) To deposit all amounts received on account of the Property into a separate account under the control of the Receiver.
- (c) The Receiver shall file with the Court and serve upon all parties an inspection report of property within ten (10) days of the effective date of this receivership, providing a list of all emergency repairs required on the Property. For purposes of this section, “Emergency Repair”: shall refer to those repairs which are immediately necessary to secure the property and correct these violations which pose an immediate risk to health, safety and well being of abutters and residents of the community where the Property is located.

If the Property becomes occupied in the future, “Emergency Repairs” shall then include to the Housing Specialist, whose determination shall be binding on the parties, unless modified by the Court upon motion by any affected person.

- (d) The Receiver shall file with the Court and serve upon all parties a report of an inspection of the property within twenty-one (21) days of the effective date of this receivership, providing a unit by unit and common area list of conditions which require repair in order to correct violations of the Sanitary, fire safety, electrical, building and plumbing codes existing at the Property.
- (e) To disburse funds received by the Receiver on account of the Property as follows, in the following order of priority:

**First** to reimburse the Receiver for its actual out-of-pocket expenses incurred in its capacity as Receiver, including without limitation its reasonable legal fees, its allocable overhead and labor costs, its cost of incorporation, its costs of negotiation of the terms of this receivership and costs of liability insurance (“Receiver Out-Of-Pocket Expenses”)

**Second** to secure vacant units of the Property;

**Third** to make “Emergency Repairs” to the Property as defined above;

**Fourth** to make repairs, or conditions which violate the State Sanitary, fire safety, electrical and building codes or ordinances, but which do not rise to the level of “Emergency Repairs” as defined above.

**Fifth** to make payments, to the extent possible, towards any unpaid taxes, assessments, penalties or interest.

**Sixth** to make payments, to the extent possible, to any payments due any mortgagee or lienor of record.

- (f) The Receiver shall file with the Court and serve upon all parties within 60 (SIXTY) days of the effective date of this receivership, a report setting forth all expenses and disbursements of the Receivership, with attached receipts, and an accounting of all funds received by the Receiver during the period covered by such report.
- (g) After the filing of the initial report described in subsection (f), the Receiver shall file with the Court and serve upon all parties every eight weeks thereafter, an updated report setting forth all expenses and disbursements of the Receivership, with attached receipts, and an accounting of all such a report. If the Property becomes occupied in the future, the report shall also include a list of all tenants residing at the Property, together with a list of current rental amounts and the status rental payments to date.

The Receiver shall serve upon the Respondent, in a timely manner, copies of all reports, notices and other documents which are required of the Receiver under the terms of this Order.

- (h) The Receiver may rent vacant apartments in current compliance with the State Sanitary Code, and may repair vacant units so as to bring them in compliance with the Code. The Receiver is encouraged to rent vacant units wherever possible, so as to minimize the vacancy rate for the Property, and the related security risk associated with the vacant units. Policies regarding the first month's rent, last month's rent and security deposit for new tenancies shall be left to the discretion of the Receiver.
- (I) Should the Property become occupied, the Receiver may collect and receive all rental revenues due from tenants or occupants of the Property as an agent of the Court on or after the first rental period following the effective date of this Order. It shall be the responsibility of the Receiver under this paragraph to account for all receipts according to the standards set forth in subparagraph 6(f). The Receiver shall not be authorized to raise rents, once set, without leave of Court.

7. **Rental Payments and Evictions**

- (a) The Receiver may set the initial rent(s) at fair market value.
- (b) All rents shall be paid to the Receiver.
- (c) **Evictions for Non payment of Rent**
  - i) In the event the Property becomes occupied during the period of the Receivership, the Receiver shall notify the Court of the name of any tenants who fail to pay rent after the effective date of the tenancy. Upon receipt of such notice, the Court may schedule a hearing to afford the tenant an opportunity to be heard and to provide a determination of the amount of rent owed by the tenant consistent with the condition of the premises.
  - ii) Evictions for non-payment of rent shall be governed by the Uniform Summary Process Rules, and G.L. c. 186 and 239.
  - iii) Eviction notices shall (A) explain that an interpreter will be provided, upon request, if the tenant so requires; (B) explain that the tenant may call Greater Boston Legal Services, 197 Friend Street, Boston, Massachusetts (617) 371-1234 for advice on legal rights; and (C) invite the tenant to meet with the Receiver informally to discuss reaching a mutually satisfactory agreement without the necessity of a court hearing.
  - iv) Upon request by the tenant, the parties shall attempt to resolve the dispute prior to the hearing through mediation.
- (d) **Evictions for Cause** In the event the Property becomes occupied, the Receiver is granted the right to bring evictions for cause. The Receiver will not be granted the right to terminate tenancies-at-will without cause, or bring summary process actions without cause.

- 8. **Bond and Inventory** The Receiver shall not be required to file a bond, nor shall the Receiver be required to file an inventory, list of encumbrances, list of creditors or any other report required to be filed by Rule 66 of the Massachusetts Rules of Civil Procedure, except as otherwise specifically provided herein.
- 9. **Claims against Receiver** Except as provided in Paragraph 10 of this Order, any residents or occupants of the Property, whether past or future, may not seek money damages from any funds administered by the Receiver. All residents or occupants of the Property retain any and all rights under statutes or common law to proceed against the Respondent, or any other appropriate party, other than the Receiver, and/or their agents or employees for money or other damages for claims rising out of the occupancy of the Property, including any damages that may be

incurred or claims that may arise while the Property is under the receivership.

10. **Liability and Agency**

- (a) As set forth in G.L. c. 111 §127I (as amended), the Receiver or its agents or employees shall be immune from suits for negligence in the performance of their duties herein stated, except to the extent of assets of the receivership.
- (b) without limited the generality of the foregoing,
  - i) The Receiver shall have no responsibility whatsoever to make any repairs or remedy any Code violations or make any advance whatsoever on account of the Property except from the revenues received in its capacity as Receiver of the Property, and except as approved by the Court.
  - ii) Should the Property become occupied, the Receiver shall maintain insurance to cover such violations and risks as may be customarily included in standard insurance policies for multifamily dwellings. Beyond the actual payments made by the insurer under an insurance policy , the Receiver shall not be liable in contract, tort, or criminally to any tenant or to any governmental agency on account of the condition of the Property, any Code violation or otherwise, except for gross negligence or willful, wanton or reckless acts or omissions.
  - iii) Neither the Receiver nor its agents or employees shall have personal liability whatsoever in contract or otherwise to any creditor of the Property for actions taken within the scope of the receivership, except for gross negligence or willful, wanton or reckless acts or omissions.
  - iv) The Receiver may purchase liability insurance for all risks, including but not limited to gross negligence or willful, wanton, or reckless acts or omissions and such insurance may be charged to the expenses of the receivership, and shall be given first priority under paragraph 6(e) of this Order.

11. **Right to Resign** The Receiver shall have the right to resign at any time by giving seven (7) days written notice to the Court and to the parties. The Receiver's notice of resignation shall include an accounting of all funds received and disbursed during its term as Receiver and, if the Property is occupied, a copy of any rent roll and rental history the Receiver has compiled. Such resignation shall be effective on

the date specified in such notice, provided that the Court may require the Receiver to take such actions after the date specified if the Court determines that such actions are required to protect the health or safety of any occupants and that the Receiver has the capacity to perform such functions consistent with the terms of this Order. Unless otherwise ordered, on the effective date of such resignation, the Receiver shall assign any and all amounts received pursuant to the receivership to the Court or to a successor receiver.

12. **Priority Liens and Mortgages** The Receiver may expend its own funds or borrow funds in the event that it believes there are insufficient funds being generated to prevent destruction, waste or loss of the Property or to address conditions which may materially endanger the health or safety of tenants, occupants, abutters and/or community residents. In order to secure payment of any costs incurred and repayment of any loans for repair, operation, maintenance or management of the Property, the Receiver shall have a priority lien on the Property under the “super-priority” provision of G.L. c. 111 § 127I (as amended), fourth paragraph or under the Court’s powers at common law. See Turner v. State Wharf & Storage Co. 263 Mass. 92, 97 (1928) (priority lien over first mortgage permitted to prevent destruction, waste or loss). Said priority lien shall become effective upon the recording of this Order in the registry for the county in which the Property is located.
13. **Notice to Creditors** The Petitioner shall send a copy of this Order to all mortgages and lien holders of record, if any, a list of which is to be provided to the Petitioner by the Respondent.
14. **Sale of the Properties** The Property shall not be sold, encumbered or placed under contract for sale without the prior leave of the Court.
15. **Duties of the Respondent** Within 48 hours of the signing of this Order, the Respondent shall transfer to the Receiver the right to obtain all keys to the apartments and common areas of the premises and its rent roll for all apartments at the Property. The Respondent shall provide the Receiver with reasonable advance notice prior to entering any part of the Property. Within seven (7) days of the signing of this Order, the Respondent shall provide to the Receiver copies of all documents necessary to manage and maintain the property and shall provide the following information:
  - (a) Mortgages and Liens: the name and address of all mortgages and lien holders of record; the amount of the liens or mortgages.
  - (b) Insurance: the name, address, and telephone number of all insurance companies and their agents providing insurance coverage for the Property; the amount and type of coverage; the amount and due dates of premiums.

- (c) Utilities: the amount of the most recent water, sewer, gas and electric bills; the amount of any outstanding balance; and the dates and amounts of the last payment.
  - (d) Real Estate Tax: the amount of the most recent real estate tax bill; the amount of any outstanding balance; the date and amount of the last payment.
  - (e) Contracts: copies of all warranties for prior work done, service contracts for ongoing maintenance (e.g., for extermination) and all contracts or bids for repairs.
  - (f) Other: all information relevant to any outstanding expenses relating to the Property
16. **Further Court Orders** The Petitioner, the Respondent, the Receiver and other interested parties shall have the right to request from the Court, by motion and with advance notice, further orders consistent with G.L. c. 111 §127I, common law, or the terms of this Order. In the event of emergencies, service of motions to parties on this action by facsimile transmission shall be acceptable.
17. **Review by Court** The foregoing Order shall remain in effect for one hundred and eighty (180) days. The Receiver and all other affected parties shall report on the Receiver's progress to the Court on \_\_\_\_\_ at \_\_\_\_clock a.m./p.m.
18. **Effective Date** This Receivership shall take effect on \_\_\_\_\_.

So entered on this \_\_\_\_\_, 2009.

\_\_\_\_\_  
Justice  
Housing Court, Southeast Division