



CITY OF CAMBRIDGE

INSPECTIONAL SERVICES DEPARTMENT 831 MASS. AVE.
CAMBRIDGE, MASSACHUSETTS 02139 (617) 349-6100

ROBERT R. BERSANI
Managing Director/
Acting Commissioner

February 19, 1997

To: Robert W. Healy, City Manager

From: Bob Bersani, Inspectional Services

Subject: City Council Order #40; RE: Development of Plan Similar to "Operation Red" in the Town of Framingham to deal with Derelict Properties in the City.

I discussed the Operation Red plan with the Framingham Building Commissioner. He stated that the plan was conceived in response to a specific situation that existed in the town concerning approximately 50 properties that were located in what he termed a transition zone. The properties in this location were, in addition to being run down and dilapidated, associated with criminal activity.

The Operation Red plan is essentially an escalating series of warnings and fines culminating in the boarding of the building with bright red plywood and a large banner wrapped around the building with the owner's name and telephone number in red letters on the banner. The objective being to shame the owner into taking corrective action by the notoriety and calls from area residents. The Building Commissioner stated that the authority for this plan derived from a nuisance by-law which is part of the Town's Zoning By-Law, a copy of which is attached. I have reviewed this by-law and it appears that these provisions are derived essentially from the State Building and Sanitary Codes and certain provisions of MGL Ch. 139 (Common Nuisances), all of which are used by ISD. .

The Building Commissioner stated that this plan along with some demolition has been successful in resolving the problems in the target area and Operation Red is now used only infrequently.

In Cambridge, I do not believe we have the set of circumstances, similar to that that existed in Framingham, that would warrant this kind of an approach. Seriously distressed properties that come to our attention usually have a unique set of circumstances (fire, elderly owners, poverty, estate complications, etc.) that necessitate an individual approach to resolving the problem. Our practice has been to work closely with the owner and, depending on the circumstances, other City Departments, Nonprofits, and/or the Courts to correct the problem in a way that makes the most sense. In those extreme cases where no other solution is feasible, then the property can be demolished and lienied and I have that authority.

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OFFICE OF THE CITY MANAGER

In view of the above, I recommend that I continue to monitor the program in Framingham, and, if conditions similar to that that existed there were to develop in Cambridge, then a detailed study be conducted that would involve other City Departments to decide if a program like Operation Red should be implemented.

Very truly yours,

A handwritten signature in cursive script, appearing to read "R. R. Bersani".

R. R. Bersani

Nuisance

1. A. 2.

Pursuant to the provisions of Chapter 40A, § 2A, of the Massachusetts Code of Regulations, and Chapter 40A, § 2A, of the Massachusetts General Laws, this by-law is hereby adopted by the Board of Aldermen of the Town of Framingham, which nuisances constitute a hazard or blight, or adversely affect property values.

2. DEFINITIONS

Blight: Any condition seriously impairing the value, integrity, strength, durability or appearance of real property.

Building: A structure, whether portable or fixed, with exterior walls or firewalls and a roof, built, erected or framed, of a combination of any materials, to form shelter for persons, animals, or property. See "structure" below.

Dilapidated: In a condition of decay or partial ruin by reason of neglect, misuse, or deterioration. The term includes, but is not limited to:

- having deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken or inadequately secured windows or doors;
- having defective weather protection (e.g., paint) for exterior wall coverings; deleterious weathering due to lack of maintenance or protective measures.

Other conditions which may be considered blight include, but are not limited to, the following:

- overgrown vegetation which may harbor rats and vermin, conceal pools of stagnant water or other nuisances, or which is otherwise detrimental to neighboring properties or property values
- decay, damaged, diseased or hazardous trees, debris or trash

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- decay, damaged, diseased or hazardous trees, debris or trash

3. 1.

a. 1.

Other conditions which may be considered blight include, but are not limited to, the following:

- o mailings by regular mail, postage prepaid, to the addresses of interested parties.
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Within 7 days of the hearing, the Selectmen shall determine whether or not the condition constitutes a nuisance, and shall determine what action shall be taken by the owner to remove the nuisance. Such actions may include, but shall not be limited to: demolition or repair of the structure, or the removal of vegetation, trees, debris, or trash. The Selectmen shall issue a Removal Order to the owner to abate such nuisance within 24 hours after service of the Order, or within such other time as it considers reasonable. An owner shall forfeit twenty dollars for every day during which he willfully violates such a Removal Order.

b. Service of Removal Order:

In accordance with MGL Ch 139, s.1, the Town Clerk shall deliver a copy of the Removal Order to an officer qualified to serve civil process, who shall forthwith serve an attested copy thereof. Such a Removal Order shall be in writing, and shall be served on the owner in the manner specified by MGL Ch 111, s. 124.

c. Removal of Nuisance by Selectmen:

When the Selectmen determine that a nuisance exists, they may cause the same to be removed, and all expenses incurred in the removal of the same shall be paid by the owner.



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
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EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

March 2, 1997

To The Honorable, The City Council:

In response to Awaiting Report Item Number 16, regarding a plan to develop an "Operation Red" to deal with derelict properties in the City, please find attached a report submitted by Bob Bersani, Commissioner of Inspectional Services.

Very truly yours,

Robert W. Healy
City Manager

RWH/dls
attachment

Consent Agenda #4

S-125

Relative to Awaiting Report Item
Number Sixteen, regarding a plan to
develop an "Operation Red" to deal
with derelict properties in the
City.

In City Council March 3, 1997

PLACED ON FILE