

# Acquisition for Spot Blight Removal

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT WASHINGTON, D.C. 20410-7000

OFFICE OF THE ASSISTANT SECRETARY  
FOR COMMUNITY PLANNING AND DEVELOPMENT

August 21, 1989

MEMORANDUM FOR: Harry W. Staller, Deputy Regional Administrator, 3SD

ATTENTION: John J. Kane, Regional Director for  
Community Planning and Development, 3C

FROM: Audrey E. Scott, General Deputy Assistant Secretary for  
Community Planning and Development, CD

**SUBJECT: Acquisition for Spot Blight Removal in Chester County, PA  
CDBG Program B-88-UC-42-0007**

This is in response to your memorandum of June 7, 1989, requesting guidance on the CDBG Entitlement Rule with regard to activities to address slums or blight on a spot basis in a project proposed by Chester County to acquire and clear portions of two parcels of private property in Tredyffrin Township. The County claims that this activity meets the national objective of addressing slums or blight on a spot basis while the owner of one of the parcels is contesting this claim.

Based on a thorough review of the extensive file on this case which you submitted to us, we have concluded that this activity does not meet the national objective of addressing slums or blight on a spot basis nor does the proposed project meet any other national objective. It is our view that the reservations about this activity which you indicated in your letter of April 6, 1989, to D.T. Marrone, Chairman of the Chester County Board of Commissioners, are well founded. We are also in agreement with the opinions expressed in the memorandum of July 21, 1988, from Robert A. Dinney, Associate Regional Counsel, to Louis S. Williams, and the memorandum of April 25, 1989, from Peter M. Campanella, Regional Counsel, to John J. Kane. Moreover, we agree with Mr. Campanella's assertion that the County's attempt to justify the project on the basis of spot blight appears to amount to "nothing more than a naked taking by the Recipient."

While it is true that there is no detailed statutory or regulatory language describing what would constitute spot blight, the requirement at 24 CFR 570.208(b)(2) that an activity qualifying under this national objective must "eliminate specific conditions of blight or physical decay on a spot basis" indicates that a narrow, almost surgical focus on the blight or decay of each individual parcel involved is intended. In other words, blight or physical decay must be present on each individual parcel, not merely in the surrounding area, and the activities to be undertaken must be limited to eliminating those specific conditions of spot blight or physical decay. In contrast to this approach, the project proposed by Chester

County seeks to apply on a spot basis the much broader criteria used under Pennsylvania State law for defining a blighted area and to attribute to the two parcels in question the problems of the larger downtown area. It appears that this approach has been chosen, incidentally, because the County does not believe that the downtown area in which the two properties are located can meet the CDBG standard for a slum or blighted area at 24 CFR 570.208(b)(1).

Based on our review of the information contained in the file, we cannot find any convincing evidence that either of the two properties in question fits the concept of spot blight as discussed above. That portion of the McLaughlin property which the County wishes to acquire consists of unimproved land containing grass, bushes, and trees and no specific claim of blight has been made against this portion of the property. With regard to the Farra property, a specific claim of blight has been lodged against a row of 1.5 garages located near the rear boundary line. Yet even if this claim of blight were accepted by all parties involved, which it is not, it would hardly be necessary for the County to acquire a total of 20,536 square feet of land on two separately owned properties in order to clear a structure occupying 3,320 square feet on just one of these properties. Clearly, then, the purpose of the project cannot be considered to be the elimination of specific conditions of blight or decay on a spot basis." What the County is apparently seeking to do is to correct some of the pressing problems of the downtown area, such as lack of parking, through the acquisition and eventual reuse of strategically located private property. While such problems may be a matter of legitimate local concern, the solution proposed by the County in this case does not meet the regulatory criteria for addressing a national objective under the CDBG Entitlement program.

Please inform the County in writing that its proposed project of acquiring and clearing portions of the McLaughlin and Farra properties does not meet the national objective of addressing slums and blight on a spot basis and CDBG funds may not be used for this purpose.