



# REQUEST FOR COUNCIL ACTION

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**Title:** Request for Code Compliance Abatement Liens

**Preferred Agenda:** February 13, 2024

**Submitted By:** Blair Larsen, Community & Economic Development Director

**Reviewed By:** Kelcey Young, City Manager

**Type of Action:** Resolution \_\_\_\_ Motion X Roll Call \_\_\_\_ Other \_\_\_\_

**Relevant Code/Policy:** SHMC Chapter 8.04-II Abatement Procedure

**Towards Council Goal:** N/A

**Attachments:**

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**Purpose of this RCA:**

The purpose of this request for Council action is to follow the procedure outlined in SHMC Chapter 8.04-II for the assessment of liens after City abatements.

**Background/Context:**

Chapter 8.04 of the Sweet Home Municipal Code outlines a number of nuisances that property owners must either clean up, or face fines or abatement of the nuisance. Abatements require the City to hire a private company to clean up the property, after which the City will invoice the property owner for the work done, plus an administrative fee. SHMC Chapter 8.04-II outlines the procedure for abating code violations.

When a property owner not only fails to maintain or clean up their property, but also fails to repay the City for the work needed to bring their property into compliance, the only way the City has to ensure it is made whole is to assess a lien on the property. With a lien in place, the City can ensure that it is either repaid when the property is later sold or pursue repayment through the foreclosure process.

The following properties have outstanding invoices that Staff recommend be converted to liens. All of the property owners have been notified that their properties will be discussed at the February 13<sup>th</sup> Council meeting for potential liens, and that they will be given an opportunity to object, if they wish.

**Address:** 4143 Osage Street

**Owner:** James E. Gillette (Deceased)

**Violations:** Nuisance Building, Noxious Vegetation, Open Storage.

**Abatement Costs:** \$6,400 plus 30% administrative costs, for a total of \$8,320.

1. Neighborhood notified CC (Code Compliance) of a rundown building

- overgrown with vegetation and junk, being used as a squatter house.
2. Attempted contact with a responsible party. The owner is deceased.
  3. CC facilitated an abatement to clean the property and board up the dangerous building.

**Address:** 1435 22<sup>nd</sup> Ave

**Owner:** Eric Shipp

**Violations:** Unlawfully Occupied RV, Open Storage, Abandoned Vehicles, Occupancy Violations, Nuisance Animals, Trash Burning, Trash stored outside.

**Abatement Costs:** \$4,000 plus 30% administrative costs, for a total of \$5,200.

1. CC was notified by the neighborhood of several violations at 1435 22<sup>nd</sup> Ave.
2. CC contacted the responsible parties and has cited them into municipal court for various violations.
3. Private parties are still attempting private abatements of the violations, but conditions are only worsening.
4. CC did have to abate an unlawfully occupied hazardous RV.
5. Pending resolution from final court date, CC is prepping an additional abatement to resolve the worsening conditions on the property.

**Address:** 1333 13<sup>th</sup> Ave

**Owner:** Judith Anne Moulton

**Violations:** Dangerous Building, Noxious Vegetation, Open Storage, Abandoned Vehicle.

**Abatement Costs:** \$30,625.08 plus 30% administrative costs, for a total of \$39,812.60. In addition, this property already has a lien on the City lien docket amounting to \$69,770. The additional lien on this property would bring the total liens to \$109,582.60.

1. CC was contacted by Adult Protective Services (APS) to assist with an elderly individual in need of a higher level of care, who was residing inside a dangerous building.
2. CC assisted multiple other agencies in contacting and identifying hazards and violations at 1333 13<sup>th</sup> Ave.
3. The owner was incapable of privately resolving any of the violations and hazards.
4. APS rehoused the vulnerable party into a care facility.
5. CC facilitated an abatement to bring the property into a safe and sanitary condition.

**Address:** 1188 55<sup>th</sup> Ave

**Owner:** Eldred & Eugenia Ames (Deceased)

**Violations:** Dangerous Building, Burning and Burying Trash, Raw Sewage leaking from a structure, Junked Vehicles, Open Storage, Trash/garbage stored outside, Unlawfully Occupied RVs, General Nuisances.

**Abatement Costs:** \$29,410.46 plus 30% administrative costs, for a total of \$38,223.60.

1. CC was notified by the neighborhood of burning trash and raw sewage leaking from a property.
2. CC identified multiple additional violations of worse degree and severity.
3. CC attempted contact with any responsible party for 1188 55<sup>th</sup> Ave, none were found.
4. CC served an Administrative Search Warrant to identify all the violations in their entirety and the condition of the buildings themselves.

5. CC facilitated an abatement to abate 2 dangerous structures, board up a third, and clear the property of all the violations to the Municipal Code.
6. This included tremendous amounts of burnt and buried trash and garbage, a pool of raw sewage, and a large amount of general junk and debris.

**The Challenge/Problem:**

How does the City ensure that it is repaid for abatements conducted on violating properties?

**Stakeholders:**

- Sweet Home Residents – Residents deserve to live, work and shop in, on and around clean, well-maintained properties.
- Sweet Home Property Owners – Property owners are responsible for maintaining their properties.
- Sweet Home City Council – Council members are the voice of the citizens they serve and represent and are responsible for ensuring members of the public are heard, especially when it has long term effects on their property.
- Sweet Home City Staff – Staff are tasked with enforcing City Code and using public funds responsibly.

**Issues and Financial Impacts:**

The costs associated with these properties amount to \$70,435.54. not including staff time and existing liens. If no additional liens are placed on the affected properties, the City is unlikely to be repaid, and this funding would be lost. If liens are placed, and the money is repaid, then the City will have additional funding brought into the General Fund that can be budgeted for future City services.

**Elements of a Stable Solution:**

An ideal outcome would be to follow the Sweet Home Municipal Code, hear from affected property owners, and place an appropriate lien on the affected properties.

**Options:**

1. Do Nothing – Assess no liens on the affected properties. This would cause the City to lose the funding it has expended to bring these properties into compliance.
2. Direct the City Recorder to enter the following charges in the City lien docket as a lien upon the following lots or parcels of land:
  - a. 4143 Osage Street: \$6,400 in abatement costs, plus 30% administrative costs, for a total of \$8,320.
  - b. 1435 22<sup>nd</sup> Avenue: \$4,000 in abatement costs, plus 30% administrative costs, for a total of \$5,200.
  - c. 1333 13<sup>th</sup> Avenue: \$30,625.08 in abatement costs, plus 30% administrative costs, for a total of \$39,812.60. In addition, this property already has a lien on the City lien docket amounting to \$69,770. The additional lien on this property would bring the total liens to \$109,582.60.
  - d. 1188 55<sup>th</sup> Avenue: \$29,410.46 in abatement costs, plus 30% administrative costs, for a total of \$38,223.60.
3. Assess liens on specified properties in specified amounts.

**Recommendation:**

Staff recommends option 2: Direct the City Recorder to enter the following charges in the City lien docket as a lien upon the following lots or parcels of land:

- a. 4143 Osage Street: \$6,400 in abatement costs, plus 30% administrative costs, for a total of \$8,320.
- b. 1435 22<sup>nd</sup> Avenue: \$4,000 in abatement costs, plus 30% administrative costs, for a total of \$5,200.

- c. 1333 13<sup>th</sup> Avenue: \$30,625.08 in abatement costs, plus 30% administrative costs, for a total of \$39,812.60. In addition, this property already has a lien on the City lien docket amounting to \$69,770. The additional lien on this property would bring the total liens to \$109,582.60.
- d. 1188 55<sup>th</sup> Avenue: \$29,410.46 in abatement costs, plus 30% administrative costs, for a total of \$38,223.60.